

Reprinted

FEB 21 1990

HOUSE FILE 2517

Place On Calendar

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 791)

Passed House, Date 3/1/90 (p. 753) Passed Senate, Date _____

Vote: Ayes 61 Nays 36 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act establishing a youthful offenders program by transferring
2 authority over the facilities of the state training school at
3 Eldora to the department of corrections, providing for the
4 establishment of replacement facilities under the department
5 of human services, providing for other related matters, and
6 providing an effective date.

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

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HF 2517

1 Section 1. Section 242.1, Code 1989, is amended to read as
2 follows:

3 242.1 OFFICIAL DESIGNATION.

4 The ~~training-school-for-juvenile-delinquents-at-Eldora~~
5 regional juvenile detention facilities operated by the
6 department of human services and the unit for delinquent
7 juveniles at the Iowa juvenile home at Toledo shall together
8 be known as the "state training school". For the purpose of
9 this chapter the word "administrator" shall mean the
10 administrator of the division of child and family services of
11 the department of human services.

12 Sec. 2. Section 246.102, Code 1989, is amended to read as
13 follows:

14 246.102 DEPARTMENT ESTABLISHED -- INSTITUTIONS.

15 The Iowa department of corrections is established to be
16 responsible for the control, treatment, and rehabilitation of
17 offenders committed under law to the following institutions:

- 18 1. Iowa correctional institution for women.
- 19 2. Iowa state men's reformatory.
- 20 3. Iowa state penitentiary.
- 21 4. Iowa medical and classification center.
- 22 5. North central correctional facility at Rockwell City.
- 23 6. Mount Pleasant correctional facility.
- 24 7. Clarinda correctional facility.
- 25 8. Correctional release center.
- 26 9. Rehabilitation camps.
- 27 10. Eldora youthful offenders facility.

28 ~~±~~ 11. Other institutions related to an institution in
29 subsections 1 through 9 but not attached to the campus of the
30 main institution as program developments require.

31 Sec. 3. YOUTHFUL OFFENDERS PROGRAM -- DEPARTMENT OF
32 CORRECTIONS REQUIREMENTS.

33 1. Effective July 1, 1992, a youthful offenders program is
34 established in the department of corrections to provide for
35 the control, treatment, and rehabilitation of offenders who

1 are no less than seventeen years and six months and no more
2 than twenty-one years of age. The program shall be located in
3 the facilities currently used by the state training school for
4 juvenile delinquents at Eldora which are transferred by this
5 Act under the authority of the department of corrections.

6 2. The department shall adopt rules pursuant to chapter
7 17A to implement the youthful offenders program and the rules
8 shall take effect July 1, 1992, unless an earlier date is
9 specified in the rules. The rules shall establish criteria in
10 addition to age for admission into the program and other
11 provisions necessary for the program's establishment.

12 3. The department shall determine the facility needs and
13 staffing levels required to use the facilities of the state
14 training school for juvenile delinquents at Eldora as the
15 location for the youthful offenders program. The department
16 shall report its findings and their estimated cost to the
17 general assembly on or before January 1, 1991.

18 Sec. 4. REGIONAL JUVENILE DETENTION FACILITIES --
19 DEPARTMENT OF HUMAN SERVICES REQUIREMENTS.

535920 The department of human services shall determine the
21 necessary facility requirements and staffing levels required
22 to replace the facilities at the state training school at
23 Eldora with regional juvenile detention facilities. In its
24 determination, the department shall consider locating
25 facilities near areas of the state which have a wide variety
26 of support services, work and training opportunities, and
27 educational program support. The department shall report its
28 findings and their estimated cost to the general assembly on
29 or before January 1, 1991.

30 Sec. 5. EFFECTIVE DATE.

31 Sections 1 and 2 of this Act take effect July 1, 1992.

32 EXPLANATION

33 This bill transfers authority over the facilities used by
34 the state training school to the department of corrections,
35 establishes a youthful offenders program, and provides related

1 provisions. The transfer of authority over the facilities and
2 a change in the definition of the state training school to
3 regional juvenile detention facilities takes effect on July 1,
4 1992. The departments of corrections and human services are
5 directed to determine facility requirements and staffing
6 levels and their costs relating to the usage of the state
7 training school at Eldora as the location for the youthful
8 offenders program and relating to the establishment of
9 regional juvenile detention facilities to replace the Eldora
10 facility. The departments are to report to the general
11 assembly on or before January 1, 1991, regarding their
12 findings.

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**HOUSE FILE 2517
FISCAL NOTE**

A fiscal note for **House File 2517** 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.

House File 2517 transfers authority over the State Training School at Eldora from the Department of Human Services to the Department of Corrections. The transfer is effective on July 1, 1992. A youthful offenders program is established in the Department of Corrections, effective on that date, to provide for the control, treatment and rehabilitation of offenders between the ages of 17 and one-half and 21 years of age. The program will be located at the Eldora facility.

The Department of Corrections is required to determine the costs of operating the Eldora facility for a youthful offender program, and the Department of Human Services is required to determine the costs of replacing the Eldora facility with regional juvenile detention facilities. DHS is required to consider locating the regional facilities near areas of the state which have a wide variety of support services, work and training opportunities, and educational program support. Both departments are required to report to the General Assembly by January 1, 1991.

FISCAL IMPACT:

House File 2517 is estimated to cost the Department of Corrections approximately \$30,000 for a consultant in FY 1991. The Department believes that a consultant would be needed in order to assess the costs involved in operating the Eldora facility for the youthful offenders program.

The Department of Human Services estimates that construction of new 20-bed regional facilities to house 200 delinquent juveniles would cost approximately \$14.6 million. This estimate is based upon estimates from the consultant who is working with the DHS on new construction at the Eldora facility. Annual operating expenses are estimated to be approximately \$8.3 million, assuming that each of the ten facilities is staffed with 30 FTE positions.

Sources: Department of Human Services, Department of Corrections

(LSB 8162hv, JMN)

FILED FEBRUARY 28, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2517

H-5359

- 1 Amend House File 2517 as follows:
- 2 1. Page 2, by striking lines 23 through 27 and
- 3 inserting the following: "Eldora with regional
- 4 juvenile detention facilities. The department shall
- 5 report its".

By HARBOR of Mills

H-5359 FILED FEBRUARY 26, 1990

Adopted 3/1 (p. 753)

HOUSE FILE 2517

H-5363

- 1 Amend House File 2517 as follows:
- 2 1. Page 2, line 11, by striking the word
- 3 "establishment" and inserting the following:
- 4 "establishment, which may include but are not limited
- 5 to all of the following:
- 6 a. Community-based treatment alternatives.
- 7 b. Job placement in the youthful offenders home
- 8 community or in another community if deemed to be in
- 9 the person's best interest.
- 10 c. Evaluation of the person's needs in order to
- 11 determine the most appropriate placement.
- 12 d. Provisions to evaluate a child who has been
- 13 found to have committed a delinquent act in order to
- 14 determine whether the child should be placed in the
- 15 youthful offender program when the child becomes
- 16 eighteen years of age".

By NEUHAUSER of Johnson

H-5363 FILED FEBRUARY 27, 1990

Adopted as amended by 5429 3/1 (p. 753)

HOUSE FILE 2517

H-5429

- 1 Amend amendment, H-5363, to House File 2517, as
- 2 follows:
- 3 1. Page 1, by inserting after line 16, the
- 4 following:
- 5 "____. Page 2, line 15, by inserting after the
- 6 word "program." the following: "The department shall
- 7 also identify characteristics of youthful offenders to
- 8 be admitted into the youthful offender program and
- 9 determine the criteria to be used for selecting such
- 10 offenders.""
- 11 2. By renumbering as necessary.

By SHERZAN of Polk

FULLER of Hardin

H-5429 FILED FEBRUARY 28, 1990

Adopted 3/1 (p. 753)

Sen Judiciary 3/5 L. Pass for 5418 2/5 (p. 955)

HOUSE FILE 2517
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HSB 791)

(As Amended and Passed by the House March 1, 1990)

Passed House, Date 4/7/90 (p. 2318) Passed Senate, Date 3/21/90 (p. 1219)

Vote: Ayes 86 Nays 0 Vote: Ayes 45 Nays 0

Approved May 3, 1990

*Repassed Senate a/w 6027
4/8/90 (p. 1735)
44-1*

A BILL FOR

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2 authority over the facilities of the state training school at
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6 providing an effective date.

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

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House Amendments _____

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3 242.1 OFFICIAL DESIGNATION.

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5 regional juvenile detention facilities operated by the
6 department of human services and the unit for delinquent
7 juveniles at the Iowa juvenile home at Toledo shall together
8 be known as the "state training school". For the purpose of
9 this chapter the word "administrator" shall mean the
10 administrator of the division of child and family services of
11 the department of human services.

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- 27 10. Eldora youthful offenders facility.

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1 are no less than seventeen years and six months and no more
2 than twenty-one years of age. The program shall be located in
3 the facilities currently used by the state training school for
4 juvenile delinquents at Eldora which are transferred by this
5 Act under the authority of the department of corrections.

6 2. The department shall adopt rules pursuant to chapter
7 17A to implement the youthful offenders program and the rules
8 shall take effect July 1, 1992, unless an earlier date is
9 specified in the rules. The rules shall establish criteria in
10 addition to age for admission into the program and other
11 provisions necessary for the program's establishment, which
12 may include but are not limited to all of the following:

13 a. Community-based treatment alternatives.

14 b. Job placement in the youthful offenders home community
15 or in another community if deemed to be in the person's best
16 interest.

17 c. Evaluation of the person's needs in order to determine
18 the most appropriate placement.

19 d. Provisions to evaluate a child who has been found to
20 have committed a delinquent act in order to determine whether
21 the child should be placed in the youthful offender program
22 when the child becomes eighteen years of age.

23 3. The department shall determine the facility needs and
24 staffing levels required to use the facilities of the state
25 training school for juvenile delinquents at Eldora as the
26 location for the youthful offenders program. The department
27 shall also identify characteristics of youthful offenders to
28 be admitted into the youthful offender program and determine
29 the criteria to be used for selecting such offenders. The
30 department shall report its findings and their estimated cost
31 to the general assembly on or before January 1, 1991.

32 Sec. 4. REGIONAL JUVENILE DETENTION FACILITIES --
33 DEPARTMENT OF HUMAN SERVICES REQUIREMENTS.

34 The department of human services shall determine the
35 necessary facility requirements and staffing levels required

1 to replace the facilities at the state training school at
2 Eldora with regional juvenile detention facilities. In its
3 determination, the department shall consider locating
4 facilities near areas of the state which have a wide variety
5 of support services, work and training opportunities, and
6 educational program support. The department shall report its
7 findings and their estimated cost to the general assembly on
8 or before January 1, 1991.

9 Sec. 5. EFFECTIVE DATE.

10 Sections 1 and 2 of this Act take effect July 1, 1992.

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HOUSE FILE 2517
FISCAL NOTE

REQ. BY SENATOR GENTLEMAN

A fiscal note for Amendment S-5418 to House File 2517 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.

Amendment S-5418 to House File 2517 strikes everything after the enacting clause. The following portions of the Amendment have a fiscal impact:

Sections 1 and 2: Imposes limitations upon the number of Psychiatric Medical Institutions for Children (PMIC) beds. The Department of Human Services is prohibited from licensing more than 360 PMIC beds. However, DHS is authorized to approve up to 70 beds specializing in substance abuse treatment.

Fiscal Effect: The following assumptions were made in developing the estimate for these Sections:

1. 70 new PMIC beds will be ready for occupancy October 1, 1991,
2. 80% (56) of these beds will be eligible for Medical Assistance payments, and
3. the per diem costs remain at \$120.

Based upon these assumptions, the state cost is estimated to be \$673,000 in FY 91 and \$897,000 in FY 92. It is likely that some of the juveniles served in these PMIC beds would be served by other county, state or federally funded program. To the extent this is the case the costs of the PMIC programming will be offset by reductions in these other programs. This offset cannot be estimated.

Sections 5, 6 and 14: Permits the Iowa Finance Authority to issue bonds and notes for the purpose of financing the acquisition or construction of residential housing or treatment facilities. The bonds and notes are to be serviced solely out of the revenues derived from the debt obligation or collateral. DHS is required to provide for enhanced foster care services by paying supplemental per diems or performance-based contracts which include costs related to principal and interest for bonds and notes, if the facilities provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program.

Fiscal Impact: The fiscal impact of this Section cannot be estimated. The bonds and notes will be serviced exclusively from revenues; no State funds will be directly used. However, foster care expenditures may increase to the extent that the costs of the new facilities exceed the costs of facilities which are currently in use. These increased costs may be offset by reductions in expenditures for state juvenile institutions and out-of-state programs.

Sections 7, 8, 9, 11 and 12: Specifies criteria for placement of children at the State Training Schools. Also provides procedures for transfer of children

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from the juvenile institutions to alternative placement sites, if the transfer is necessary to safeguard the child's physical or emotional health.

Fiscal Impact: The fiscal impact of this Section cannot be estimated. The criteria may result in a reduction in the population at the juvenile institutions; however, the population may consist of juveniles who require higher staff-to-client ratios and specialized programming. Reductions in population at the juvenile institutions may not result in immediate significant reductions in expenditures at these institutions.

Section 13: Provides that county or multicounty juvenile homes shall receive between 10% and 50% of the total cost of the facilities. The amount of financial aid shall be approved by the Director of DHS.

Fiscal Impact: Based upon the latest information obtained from the eight juvenile detention facilities about their FY 91 budgets, a 10% reimbursement rate in FY 91 would cost \$284,200. Based upon a 5% inflation factor the 10% reimbursement rate in FY 92 would cost \$299,000. The FY 91 DHS appropriations bill contains approximately \$250,000 for payments to county juvenile detention homes.

Section 21: Requires DHS and the Judicial Department to conduct a study of specified issues. DHS is required to request proposals to develop a total of 120 residential beds, to be available by October 1, 1991.

Fiscal Impact: The following assumptions were made in developing the estimate for this Section:

1. the beds will open July 1, 1991,
2. 70 of the juveniles placed in the new beds would otherwise be placed at juvenile institutions,
3. enhanced residential treatment beds cost \$70.86 per day, and the supplemental per diem payment will average \$41.63 per day
4. new construction costs \$500,000 per facility for eight, fifteen bed facilities,
5. yearly debt service costs \$9.72 per day, which will be reimbursed to the provider as a maintenance cost, and
6. 10% of the residential beds will qualify for federal IV-E match.

Based upon these assumptions, the estimated cost in FY 91 is \$0 and the estimated cost in FY 92 is \$2.74 million.

Summary: The total cost of S-5418 to House File 2517 is as follows:

FY 91: \$ 957,200
FY 92: \$3,936,000

Source: Department of Human Services

(LSB 8162hv.2, JMN)

FILED MARCH 20, 1990

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2517

S-5418

1 Amend House File 2517 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 135H.6, subsection 5, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 5. The department of human services has submitted
9 written approval of the application based on the
10 department of human services' determination of need.
11 The department of human services shall identify the
12 location and number of children in the state who
13 require the services of a psychiatric medical
14 institution for children. Approval of an application
15 shall be based upon the location of the proposed
16 psychiatric institution relative to the need for
17 services identified by the department of human
18 services and an analysis of the applicant's ability to
19 provide services and support consistent with
20 requirements under chapter 232, particularly regarding
21 community-based treatment. If the proposed
22 psychiatric institution is not freestanding from a
23 facility licensed under chapter 135B or 135C, approval
24 under this subsection shall not be given unless the
25 department of human services certifies that the
26 proposed psychiatric institution is capable of
27 providing a resident with a living environment similar
28 to the living environment provided by a licensee which
29 is freestanding from a facility licensed under chapter
30 135B or 135C. Unless a psychiatric institution was
31 accredited to provide psychiatric services by the
32 joint commission on the accreditation of health care
33 organizations under the commission's consolidated
34 standards for residential settings prior to June 1,
35 1989, the department of human services shall not
36 approve an application for a license under this
37 chapter until the federal health care financing
38 administration has approved a state Title XIX plan
39 amendment to include coverage of services in a
40 psychiatric medical institution for children. In
41 addition, either of the following conditions must be
42 met:

43 a. The department of human services shall not give
44 approval to an application which would cause the total
45 number of beds licensed under this chapter to exceed
46 three hundred sixty beds, except as provided in
47 paragraph "b", with not more than three hundred of the
48 beds licensed under chapter 237 before January 1,
49 1989, and not more than sixty of the beds licensed
50 under chapter 237 on or after January 1, 1989.

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1 b. The department of human services shall not give
2 approval to an application which would cause the total
3 number of beds licensed under this chapter after June
4 30, 1990, which specialize in providing substance
5 abuse treatment to children to exceed seventy beds.

6 Sec. 2. Section 135H.6, subsection 6, Code
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under
9 the direction of an agency which has operated a
10 facility licensed under section 237.3, subsection 2,
11 paragraph "a", subparagraph (3), for three years or of
12 an agency which has operated a facility for three
13 years providing psychiatric services exclusively to
14 children or adolescents and the facility meets or
15 exceeds requirements for licensure under section
16 237.3, subsection 2, paragraph "a", subparagraph (3).

17 Sec. 3. Section 217.8, Code 1989, is amended to
18 read as follows:

19 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

20 The administrator of the division of child and
21 family services shall be qualified by training,
22 experience and education in the field of welfare and
23 social problems. The administrator ~~shall be entrusted~~
24 is charged with the administration of programs
25 involving neglected, dependent and delinquent
26 children, child welfare, aid to dependent children,
27 and aid to disabled persons and shall administer and
28 be in control of ~~the Iowa juvenile home, the state~~
29 ~~training school, and~~ other related programs
30 established for the general welfare of families,
31 adults and children as directed by the director.

32 Sec. 4. Section 218.9, unnumbered paragraph 2,
33 Code 1989, is amended by striking the paragraph.

34 Sec. 5. Section 220.3, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 13A. There is a need in areas of
37 the state to establish facilities providing
38 residential housing or treatment facilities for
39 juveniles requiring a more enhanced level of services
40 than those services currently available in the state's
41 existing foster care system.

42 Sec. 6. NEW SECTION. 220.155 RESIDENTIAL
43 TREATMENT FACILITIES.

44 1. The authority may issue its bonds and notes and
45 loan the proceeds of the bonds or notes to a nonprofit
46 corporation for the purpose of financing the
47 acquisition or construction of residential housing or
48 treatment facilities serving juveniles or handicapped
49 or disabled persons.

50 2. The authority may enter into a loan agreement

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Page 3

1 with a nonprofit corporation for the purpose of
2 financing the acquisition or construction of
3 residential housing or treatment facilities serving
4 juveniles or handicapped or disabled persons and shall
5 provide for payment of the loan and security for the
6 loan as the authority deems advisable.

7 3. In the resolution authorizing the issuance of
8 the bonds or notes pursuant to this section, the
9 authority may provide that the related principal and
10 interest are limited obligations payable solely out of
11 the revenues derived from the debt obligation,
12 collateral, or other security furnished by or on
13 behalf of the nonprofit corporation, and the principal
14 or interest does not constitute an indebtedness of the
15 authority or a charge against the authority's general
16 credit or general fund.

17 4. The powers granted the authority under this
18 section are in addition to the authority's other
19 powers under this chapter. All other provisions of
20 this chapter, except section 220.28, subsection 4,
21 apply to bond or notes issued pursuant to, and powers
22 granted to the authority under this section, except to
23 the extent the provisions are inconsistent with this
24 section.

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

27 e. An order transferring the guardianship of the
28 child, subject to the continuing jurisdiction of the
29 court for the purposes of section 232.54, to the
30 director of the department of human services for
31 purposes of placement in the state training school or
32 other facility provided that the child is at least
33 twelve years of age and the court finds the placement
34 to be in the best interests of the child or necessary
35 for the protection of the public, and that the child
36 has been found to have committed an act which is a
37 forcible felony, as defined in section 702.11, or the
38 court finds any three of the following conditions
39 exist:

40 (1) The child is at least ~~twelve~~ fifteen years of
41 age; ~~and.~~

42 (2) ~~The court finds such placement to be in the~~
43 ~~best interests of the child or necessary to the~~
44 ~~protection of the public. The child has committed an~~
45 ~~act which would be an aggravated misdemeanor or a~~
46 ~~felony if the act were committed by an adult.~~

47 (3) The child has previously been found to have
48 committed a delinquent act.

49 (4) The child has previously been placed outside
50 the child's home.

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Page 4

1 Sec. 8. Section 232.52, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. a. Upon receipt of an
4 application from the director of the department of
5 human services, the court shall enter an order to
6 temporarily transfer a child who has been placed in
7 the state training school pursuant to subsection 2,
8 paragraph "e", to a facility which has been designated
9 to be an alternative placement site for the state
10 training school, provided the court finds both of the
11 following conditions exist:

12 (1) There is insufficient time to file a motion
13 and hold a hearing for a substitute dispositional
14 order under section 232.54.

15 (2) Immediate removal of the child from the state
16 training school is necessary to safeguard the child's
17 physical or emotional health.

18 b. If the court finds the conditions in paragraph
19 "a" exist and there is insufficient time to provide
20 notice as required under rule of juvenile procedure
21 4.6, the court may enter an ex parte order temporarily
22 transferring the child to the alternative placement
23 site.

24 c. Within three days of the child's transfer, the
25 director shall file a motion for a substitute
26 dispositional order under section 232.54 and the court
27 shall hold a hearing concerning the motion within
28 fourteen days of the child's transfer.

29 Sec. 9. Section 232.54, Code 1989, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 6. With respect to a temporary
32 transfer order made pursuant to section 232.52,
33 subsection 8, if the court finds that removal of a
34 child from the state training school is necessary to
35 safeguard the child's physical or emotional health,
36 the court shall grant the director's motion for a
37 substitute dispositional order to place the child in a
38 facility which has been designated to be an
39 alternative placement site for the state training
40 school.

41 Sec. 10. Section 232.102, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. After a dispositional hearing and upon written
44 findings of fact based upon evidence in the record
45 that an alternative placement set forth in subsection
46 1, paragraph "b" has previously been made and is not
47 appropriate the court may enter an order transferring
48 the guardianship of the court for the purposes of
49 subsection 7, to the commissioner director of human
50 services for the purposes of placement in the Iowa

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1 ~~Juvenile-Home~~ juvenile home at Toledo.

2 Sec. 11. Section 232.102, Code 1989, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. Upon receipt of an
5 application from the director of the department of
6 human services, the court shall enter an order to
7 temporarily transfer a child who has been placed in
8 the Iowa juvenile home at Toledo pursuant to
9 subsection 3, to a facility which has been designated
10 to be an alternative placement site for the juvenile
11 home, provided the court finds both of the following
12 conditions exist:

13 (1) There is insufficient time to file a motion
14 and hold a hearing for a new dispositional order under
15 section 232.103.

16 (2) Immediate removal of the child from the
17 juvenile home is necessary to safeguard the child's
18 physical or emotional health.

19 b. If the court finds the conditions in paragraph
20 "a" exist and there is insufficient time to provide
21 notice as required under rule of juvenile procedure
22 4.6, the court may enter an ex parte order temporarily
23 transferring the child to the alternative placement
24 site.

25 c. Within three days of the child's transfer, the
26 director shall file a motion for a new dispositional
27 order under section 232.103 and the court shall hold a
28 hearing concerning the motion within fourteen days of
29 the child's transfer.

30 Sec. 12. Section 232.103, Code 1989, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7. With respect to a temporary
33 transfer order made pursuant to section 232.102,
34 subsection 3A, if the court finds that removal of a
35 child from the Iowa juvenile home is necessary to
36 safeguard the child's physical or emotional health,
37 the court shall grant the director's motion for a new
38 dispositional order to place the child in a facility
39 which has been designated to be an alternative
40 placement site for the juvenile home.

41 Sec. 13. Section 232.142, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. Approved A county or multicounty juvenile homes
44 home approved pursuant to this section shall be
45 entitled to receive financial aid from the state in
46 the amount and in such a manner as determined approved
47 by the director. Aid paid by the state shall not
48 exceed be at least ten percent and not more than fifty
49 percent of the total cost of the establishment,
50 improvements, operation, and maintenance of such-a the

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1 home.

2 Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER

3 CARE SERVICES.

4 The department shall provide for enhanced foster
5 care services by establishing supplemental per diem or
6 performance-based contracts which include payment of
7 costs relating to payments of principal and interest
8 for bonds and notes issued pursuant to section 220.155
9 with facilities licensed under this chapter which
10 provide special services to children who would
11 otherwise be placed in a state juvenile institution or
12 an out-of-state program. Before completion of the
13 department's budget estimate as required by section
14 8.23, the department shall determine and include in
15 the estimate the amount which should be appropriated
16 for enhanced foster care services for the forthcoming
17 fiscal year in order to provide sufficient services.

18 Sec. 15. Section 242.1, Code 1989, is amended to
19 read as follows:

20 242.1 OFFICIAL DESIGNATION.

21 The training school for juvenile delinquents at
22 Eldora and the unit for delinquent juveniles ~~at the~~
23 ~~Iowa juvenile home~~ at Toledo shall together be known
24 as the "state training school". For the purpose of
25 this chapter ~~the word "administrator" or "director"~~
26 ~~shall mean means the administrator of the division of~~
27 ~~child and family services~~ director of the department
28 of human services.

29 Sec. 16. Section 242.2, Code 1989, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 242.2 SUPERINTENDENT -- POWERS AND DUTIES.

33 The superintendent has charge and custody of the
34 juveniles committed to the state training school. The
35 superintendent shall administer the state training
36 school and direct the staff in order to provide a
37 positive living experience designed to prepare the
38 juveniles for a productive future.

39 Sec. 17. Section 242.4, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 242.4 EDUCATION AND TRAINING.

43 The state training school shall provide a positive
44 living experience for older juveniles who require
45 secure custody and who live at the state training
46 school for an extended period of time. The education
47 and training programs provided to the juveniles shall
48 reflect the age level and extended period of stay by
49 focusing upon appropriate developmental skills to
50 prepare the juveniles for productive living.

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1 Sec. 18. Section 244.1, subsection 1, Code 1989,
2 is amended to read as follows:

3 1. "Administrator" or "director" means the
4 ~~administrator-of-the-division-of-child-and-family~~
5 ~~services~~ director of the department of human services.

6 Sec. 19. Section 244.4, Code 1989, is amended to
7 read as follows:

8 244.4 PROCEDURE.

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

11 Sec. 20. STATE JUVENILE INSTITUTIONS -- POPULATION
12 GUIDELINES.

13 The judicial department, in consultation with the
14 department of human services, shall develop population
15 guidelines to indicate the number of children which
16 may be placed at the state training school or the Iowa
17 juvenile home at any one time. Within the population
18 guidelines, the judicial department shall allocate to
19 each judicial district a number of children which may
20 be placed in a juvenile institution from the district.
21 The judicial department shall develop procedures to
22 manage the number of children placed in a juvenile
23 institution within the population guideline
24 established for the institution. The guidelines,
25 allocations, and procedures required by this section
26 shall be implemented on or before January 1, 1991.

27 Sec. 21. DEVELOPMENT OF CHILDREN'S PROGRAMS IN
28 COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO
29 JUVENILE JUSTICE.

30 1. a. The department of human services and the
31 supreme court, in consultation with existing providers
32 of services, 4 members of the general assembly equally
33 representing the house and senate and both political
34 parties, and experts in child welfare and juvenile
35 justice, shall conduct a study identifying the types
36 of residential programs which should be developed,
37 either by enhancing reimbursement of foster care
38 services or of psychiatric medical institutions for
39 children, to serve the children who are currently in
40 the following placements: the Iowa juvenile home,
41 out-of-state facilities at high cost to the state, and
42 the state training school when the children could be
43 served in community settings if the proper type of
44 program were available. The recommendations of the
45 juvenile justice advisory committee, established by
46 the legislative council in 1989, regarding the state
47 training school and the Iowa juvenile home shall be
48 considered. In addition, the need to develop specific
49 programs to serve children who are sexual abuse
50 perpetrators, substance abusers, or have a dual

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1 diagnosis, and the regions of the states where the
2 specific programs should be located in order to serve
3 children in community settings, shall be identified.
4 The department and the supreme court shall complete
5 the study of the items required under this section on
6 or before June 1, 1990.

7 b. Based upon the study findings, the department
8 shall request proposals to develop a total of 120
9 additional residential placement slots in community
10 settings and the slots shall be available on or before
11 October 1, 1991. The department shall work with the
12 Iowa finance authority and service providers to
13 finance the development of resources for these slots
14 at the lowest possible cost. The requests for
15 proposals shall be issued on or before July 1, 1990.

16 c. Notwithstanding the provisions of section
17 135H.6, subsection 5, psychiatric medical institution
18 for children beds developed under this section are not
19 subject to the limit upon the number of beds which may
20 be provided under psychiatric medical institution for
21 children licensure.

22 2. The study group established in subsection 1
23 shall continue to study the state juvenile justice
24 system and related issues and shall perform other
25 tasks when the tasks listed in subsection 1 are com-
26 pleted. The study group shall conduct a review and
27 develop recommendations regarding certain aspects of
28 the system and perform the tasks designated in this
29 subsection, and report to the governor and to the
30 legislative council as recommendations are developed
31 and tasks are performed and submit a final report no
32 later than December 1, 1991. The system aspects
33 studied and tasks performed shall include but are not
34 limited to the following:

35 a. The study group shall seek public-private
36 partnerships to modernize the educational and
37 vocational programs offered at the state juvenile
38 institutions.

39 b. The study group shall develop potential
40 placement and program criteria for the state juvenile
41 home, based upon the expectation that the home will
42 continue to serve as a coeducational juvenile facility
43 for 90 youth but shall consider that residential
44 treatment program expansions may eliminate the need
45 for placements of children found to be in need of
46 assistance (CHINA) at the home and that the population
47 and population needs may change.

48 c. The study group shall explore the need for
49 transitional programs for youth who turn 18 years of
50 age while part of the juvenile system, including the

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potential for developing a youthful offenders facility to deal with youth up to age 21. As part of this study, the study group shall review the merit of converting the state training school at Eldora to this purpose, and the potential for establishing a number of regional facilities to serve the population which is currently served at the state training school at Eldora. The study group also is directed to explore the needs for aftercare and extended supervision of youth who leave the juvenile system at age 18.

11 Sec. 22. EFFECTIVE DATES.

12 1. Sections 1, 2, 5, 6, 14, and 21 of this Act,
13 being deemed of immediate importance, take effect upon
14 enactment.

15 2. Section 7 of this Act takes effect October 1,
16 1991."

17 2. Title page, by striking lines 1 through 6 and
18 inserting the following: "An Act relating to the care
19 and treatment of juveniles and other persons by
20 establishing certain dispositional requirements
21 concerning the state juvenile institutions and their
22 administration, providing for financing and funding of
23 certain facilities serving juveniles and other
24 persons, and providing effective dates."

By COMMITTEE ON JUDICIARY
RICHARD VARN, Chairperson

5418 FILED MARCH 8, 1990

dept. 3/15/90 (p. 109c)

SENATE AMENDMENT TO HOUSE FILE 2517

H-5817

1 Amend House File 2517 as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 135H.6, subsection 5, Code
6 Supplement 1989, is amended by striking the subsection
7 and inserting in lieu thereof the following:

8 5. The department of human services has submitted
9 written approval of the application based on the
10 department of human services' determination of need.
11 The department of human services shall identify the
12 location and number of children in the state who
13 require the services of a psychiatric medical
14 institution for children. Approval of an application
15 shall be based upon the location of the proposed
16 psychiatric institution relative to the need for
17 services identified by the department of human
18 services and an analysis of the applicant's ability to
19 provide services and support consistent with
20 requirements under chapter 232, particularly regarding
21 community-based treatment. If the proposed
22 psychiatric institution is not freestanding from a
23 facility licensed under chapter 135B or 135C, approval
24 under this subsection shall not be given unless the
25 department of human services certifies that the
26 proposed psychiatric institution is capable of
27 providing a resident with a living environment similar
28 to the living environment provided by a licensee which
29 is freestanding from a facility licensed under chapter
30 135B or 135C. Unless a psychiatric institution was
31 accredited to provide psychiatric services by the
32 joint commission on the accreditation of health care
33 organizations under the commission's consolidated
34 standards for residential settings prior to June 1,
35 1989, the department of human services shall not
36 approve an application for a license under this
37 chapter until the federal health care financing
38 administration has approved a state Title XIX plan
39 amendment to include coverage of services in a
40 psychiatric medical institution for children. In
41 addition, either of the following conditions must be
42 met:

43 a. The department of human services shall not give
44 approval to an application which would cause the total
45 number of beds licensed under this chapter to exceed
46 three hundred sixty beds, except as provided in
47 paragraph "b", with not more than three hundred of the
48 beds licensed under chapter 237 before January 1,
49 1989, and not more than sixty of the beds licensed
50 under chapter 237 on or after January 1, 1989.

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1 b. The department of human services shall not give
2 approval to an application which would cause the total
3 number of beds licensed under this chapter after June
4 30, 1990, which specialize in providing substance
5 abuse treatment to children to exceed seventy beds.

6 Sec. 2. Section 135H.6, subsection 6, Code
7 Supplement 1989, is amended to read as follows:

8 6. The proposed psychiatric institution is under
9 the direction of an agency which has operated a
10 facility licensed under section 237.3, subsection 2,
11 paragraph "a", subparagraph (3), for three years or of
12 an agency which has operated a facility for three
13 years providing psychiatric services exclusively to
14 children or adolescents and the facility meets or
15 exceeds requirements for licensure under section
16 237.3, subsection 2, paragraph "a", subparagraph (3).

17 Sec. 3. Section 217.8, Code 1989, is amended to
18 read as follows:

19 217.8 DIVISION OF CHILD AND FAMILY SERVICES.

20 The administrator of the division of child and
21 family services shall be qualified by training,
22 experience and education in the field of welfare and
23 social problems. The administrator ~~shall be entrusted~~
24 is charged with the administration of programs
25 involving neglected, dependent and delinquent
26 children, child welfare, aid to dependent children,
27 and aid to disabled persons and shall administer and
28 be in control of ~~the Iowa juvenile home, the state~~
29 ~~training school, and~~ other related programs
30 established for the general welfare of families,
31 adults and children as directed by the director.

32 Sec. 4. Section 218.9, unnumbered paragraph 2,
33 Code 1989, is amended by striking the paragraph.

34 Sec. 5. Section 220.3, Code 1989, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 13A. There is a need in areas of
37 the state to establish facilities providing
38 residential housing or treatment facilities for
39 juveniles requiring a more enhanced level of services
40 than those services currently available in the state's
41 existing foster care system.

42 Sec. 6. NEW SECTION. 220.155 RESIDENTIAL
43 TREATMENT FACILITIES.

44 1. The authority may issue its bonds and notes and
45 loan the proceeds of the bonds or notes to a nonprofit
46 corporation for the purpose of financing the
47 acquisition or construction of residential housing or
48 treatment facilities serving juveniles or handicapped
49 or disabled persons.

50 2. The authority may enter into a loan agreement

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1 with a nonprofit corporation for the purpose of
2 financing the acquisition or construction of
3 residential housing or treatment facilities serving
4 juveniles or handicapped or disabled persons and shall
5 provide for payment of the loan and security for the
6 loan as the authority deems advisable.

7 3. In the resolution authorizing the issuance of
8 the bonds or notes pursuant to this section, the
9 authority may provide that the related principal and
10 interest are limited obligations payable solely out of
11 the revenues derived from the debt obligation,
12 collateral, or other security furnished by or on
13 behalf of the nonprofit corporation, and the principal
14 or interest does not constitute an indebtedness of the
15 authority or a charge against the authority's general
16 credit or general fund.

17 4. The powers granted the authority under this
18 section are in addition to the authority's other
19 powers under this chapter. All other provisions of
20 this chapter, except section 220.28, subsection 4,
21 apply to bond or notes issued pursuant to, and powers
22 granted to the authority under this section, except to
23 the extent the provisions are inconsistent with this
24 section.

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

27 e. An order transferring the guardianship of the
28 child, subject to the continuing jurisdiction of the
29 court for the purposes of section 232.54, to the
30 director of the department of human services for
31 purposes of placement in the state training school or
32 other facility provided that the child is at least
33 twelve years of age and the court finds the placement
34 to be in the best interests of the child or necessary
35 for the protection of the public, and that the child
36 has been found to have committed an act which is a
37 forcible felony, as defined in section 702.11, or the
38 court finds any three of the following conditions
39 exist:

40 (1) The child is at least twelve fifteen years of
41 age; and.

42 (2) ~~The court finds such placement to be in the~~
43 ~~best interests of the child or necessary to the~~
44 ~~protection of the public. The child has committed an~~
45 ~~act which would be an aggravated misdemeanor or a~~
46 ~~felony if the act were committed by an adult.~~

47 (3) The child has previously been found to have
48 committed a delinquent act.

49 (4) The child has previously been placed outside
50 the child's home.

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1 Sec. 8. Section 232.52, Code 1989, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 8. a. Upon receipt of an
4 application from the director of the department of
5 human services, the court shall enter an order to
6 temporarily transfer a child who has been placed in
7 the state training school pursuant to subsection 2,
8 paragraph "e", to a facility which has been designated
9 to be an alternative placement site for the state
10 training school, provided the court finds both of the
11 following conditions exist:

12 (1) There is insufficient time to file a motion
13 and hold a hearing for a substitute dispositional
14 order under section 232.54.

15 (2) Immediate removal of the child from the state
16 training school is necessary to safeguard the child's
17 physical or emotional health.

18 b. If the court finds the conditions in paragraph
19 "a" exist and there is insufficient time to provide
20 notice as required under rule of juvenile procedure
21 4.6, the court may enter an ex parte order temporarily
22 transferring the child to the alternative placement
23 site.

24 c. Within three days of the child's transfer, the
25 director shall file a motion for a substitute
26 dispositional order under section 232.54 and the court
27 shall hold a hearing concerning the motion within
28 fourteen days of the child's transfer.

29 Sec. 9. Section 232.54, Code 1989, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 6. With respect to a temporary
32 transfer order made pursuant to section 232.52,
33 subsection 8, if the court finds that removal of a
34 child from the state training school is necessary to
35 safeguard the child's physical or emotional health,
36 the court shall grant the director's motion for a
37 substitute dispositional order to place the child in a
38 facility which has been designated to be an
39 alternative placement site for the state training
40 school.

41 Sec. 10. Section 232.102, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. After a dispositional hearing and upon written
44 findings of fact based upon evidence in the record
45 that an alternative placement set forth in subsection
46 1, paragraph "b" has previously been made and is not
47 appropriate the court may enter an order transferring
48 the guardianship of the court for the purposes of
49 subsection 7, to the ~~commissioner~~ director of human
50 services for the purposes of placement in the Iowa

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1. ~~Juvenile-Home~~ juvenile home at Toledo.

2 Sec. 11. Section 232.102, Code 1989, is amended by
3 adding the following new subsection:

4 NEW SUBSECTION. 3A. a. Upon receipt of an
5 application from the director of the department of
6 human services, the court shall enter an order to
7 temporarily transfer a child who has been placed in
8 the Iowa juvenile home at Toledo pursuant to
9 subsection 3, to a facility which has been designated
10 to be an alternative placement site for the juvenile
11 home, provided the court finds both of the following
12 conditions exist:

13 (1) There is insufficient time to file a motion
14 and hold a hearing for a new dispositional order under
15 section 232.103.

16 (2) Immediate removal of the child from the
17 juvenile home is necessary to safeguard the child's
18 physical or emotional health.

19 b. If the court finds the conditions in paragraph
20 "a" exist and there is insufficient time to provide
21 notice as required under rule of juvenile procedure
22 4.6, the court may enter an ex parte order temporarily
23 transferring the child to the alternative placement
24 site.

25 c. Within three days of the child's transfer, the
26 director shall file a motion for a new dispositional
27 order under section 232.103 and the court shall hold a
28 hearing concerning the motion within fourteen days of
29 the child's transfer.

30 Sec. 12. Section 232.103, Code 1989, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 7. With respect to a temporary
33 transfer order made pursuant to section 232.102,
34 subsection 3A, if the court finds that removal of a
35 child from the Iowa juvenile home is necessary to
36 safeguard the child's physical or emotional health,
37 the court shall grant the director's motion for a new
38 dispositional order to place the child in a facility
39 which has been designated to be an alternative
40 placement site for the juvenile home.

41 Sec. 13. Section 232.142, subsection 3, Code 1989,
42 is amended to read as follows:

43 3. Approved A county or multicounty juvenile homes
44 home approved pursuant to this section shall be
45 entitled to receive financial aid from the state in
46 the amount and in such a manner as determined approved
47 by the director. Aid paid by the state shall not
48 exceed be at least ten percent and not more than fifty
49 percent of the total cost of the establishment,
50 improvements, operation, and maintenance of such a the

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1 home.

2 Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER
3 CARE SERVICES.

4 The department shall provide for enhanced foster
5 care services by establishing supplemental per diem or
6 performance-based contracts which include payment of
7 costs relating to payments of principal and interest
8 for bonds and notes issued pursuant to section 220.155
9 with facilities licensed under this chapter which
10 provide special services to children who would
11 otherwise be placed in a state juvenile institution or
12 an out-of-state program. Before completion of the
13 department's budget estimate as required by section
14 8.23, the department shall determine and include in
15 the estimate the amount which should be appropriated
16 for enhanced foster care services for the forthcoming
17 fiscal year in order to provide sufficient services.

18 Sec. 15. Section 242.1, Code 1989, is amended to
19 read as follows:

20 242.1 OFFICIAL DESIGNATION.

21 The training school for juvenile delinquents at
22 Eldora and the unit for delinquent juveniles ~~at the~~
23 ~~Iowa juvenile home~~ at Toledo shall together be known
24 as the "state training school". For the purpose of
25 this chapter ~~the word "administrator" or "director"~~
26 ~~shall mean~~ means the ~~administrator of the division of~~
27 ~~child and family services~~ director of the department
28 of human services.

29 Sec. 16. Section 242.2, Code 1989, is amended by
30 striking the section and inserting in lieu thereof the
31 following:

32 242.2 SUPERINTENDENT -- POWERS AND DUTIES.

33 The superintendent has charge and custody of the
34 juveniles committed to the state training school. The
35 superintendent shall administer the state training
36 school and direct the staff in order to provide a
37 positive living experience designed to prepare the
38 juveniles for a productive future.

39 Sec. 17. Section 242.4, Code 1989, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 242.4 EDUCATION AND TRAINING.

43 The state training school shall provide a positive
44 living experience for older juveniles who require
45 secure custody and who live at the state training
46 school for an extended period of time. The education
47 and training programs provided to the juveniles shall
48 reflect the age level and extended period of stay by
49 focusing upon appropriate developmental skills to
50 prepare the juveniles for productive living.

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1. Sec. 18. Section 244.1, subsection 1, Code 1989,
2 is amended to read as follows:

3 1. "Administrator" or "director" means the
4 ~~administrator of the division of child and family~~
5 ~~services~~ director of the department of human services.

6 Sec. 19. Section 244.4, Code 1989, is amended to
7 read as follows:

8 244.4 PROCEDURE.

9 The procedure for commitment to said homes shall be
10 ~~the same as the home is as provided by chapter 232.~~

11 Sec. 20. STATE JUVENILE INSTITUTIONS -- POPULATION
12 GUIDELINES.

13 The judicial department, in consultation with the
14 department of human services, shall develop population
15 guidelines to indicate the number of children which
16 may be placed at the state training school or the Iowa
17 juvenile home at any one time. Within the population
18 guidelines, the judicial department shall allocate to
19 each judicial district a number of children which may
20 be placed in a juvenile institution from the district.
21 The judicial department shall develop procedures to
22 manage the number of children placed in a juvenile
23 institution within the population guideline
24 established for the institution. The guidelines,
25 allocations, and procedures required by this section
26 shall be implemented on or before January 1, 1991.

27 Sec. 21. DEVELOPMENT OF CHILDREN'S PROGRAMS IN
28 COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO
29 JUVENILE JUSTICE.

30 1. a. The department of human services and the
31 supreme court, in consultation with existing providers
32 of services, 4 members of the general assembly equally
33 representing the house and senate and both political
34 parties, and experts in child welfare and juvenile
35 justice, shall conduct a study identifying the types
36 of residential programs which should be developed,
37 either by enhancing reimbursement of foster care
38 services or of psychiatric medical institutions for
39 children, to serve the children who are currently in
40 the following placements: the Iowa juvenile home,
41 out-of-state facilities at high cost to the state, and
42 the state training school when the children could be
43 served in community settings if the proper type of
44 program were available. The recommendations of the
45 juvenile justice advisory committee, established by
46 the legislative council in 1989, regarding the state
47 training school and the Iowa juvenile home shall be
48 considered. In addition, the need to develop specific
49 programs to serve children who are sexual abuse
50 perpetrators, substance abusers, or have a dual

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1 diagnosis, and the regions of the states where the
2 specific programs should be located in order to serve
3 children in community settings, shall be identified.
4 The department and the supreme court shall complete
5 the study of the items required under this section on
6 or before June 1, 1990.

7 b. Based upon the study findings, the department
8 shall request proposals to develop a total of 120
9 additional residential placement slots in community
10 settings and the slots shall be available on or before
11 October 1, 1991. The department shall work with the
12 Iowa finance authority and service providers to
13 finance the development of resources for these slots
14 at the lowest possible cost. The requests for
15 proposals shall be issued on or before July 1, 1990.

16 c. Notwithstanding the provisions of section
17 135H.6, subsection 5, psychiatric medical institution
18 for children beds developed under this section are not
19 subject to the limit upon the number of beds which may
20 be provided under psychiatric medical institution for
21 children licensure.

22 2. The study group established in subsection 1
23 shall continue to study the state juvenile justice
24 system and related issues and shall perform other
25 tasks when the tasks listed in subsection 1 are com-
26 pleted. The study group shall conduct a review and
27 develop recommendations regarding certain aspects of
28 the system and perform the tasks designated in this
29 subsection, and report to the governor and to the
30 legislative council as recommendations are developed
31 and tasks are performed and submit a final report no
32 later than December 1, 1991. The system aspects
33 studied and tasks performed shall include but are not
34 limited to the following:

35 a. The study group shall seek public-private
36 partnerships to modernize the educational and
37 vocational programs offered at the state juvenile
38 institutions.

39 b. The study group shall develop potential
40 placement and program criteria for the state juvenile
41 home, based upon the expectation that the home will
42 continue to serve as a coeducational juvenile facility
43 for 90 youth but shall consider that residential
44 treatment program expansions may eliminate the need
45 for placements of children found to be in need of
46 assistance (CHINA) at the home and that the population
47 and population needs may change.

48 c. The study group shall explore the need for
49 transitional programs for youth who turn 18 years of
50 age while part of the juvenile system, including the

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1 potential for developing a youthful offenders facility
2 to deal with youth up to age 21. As part of this
3 study, the study group shall review the merit of
4 converting the state training school at Eldora to this
5 purpose, and the potential for establishing a number
6 of regional facilities to serve the population which
7 is currently served at the state training school at
8 Eldora. The study group also is directed to explore
9 the needs for aftercare and extended supervision of
10 youth who leave the juvenile system at age 18.

11 Sec. 22. EFFECTIVE DATES.

12 1. Sections 1, 2, 5, 6, 14, and 21 of this Act,
13 being deemed of immediate importance, take effect upon
14 enactment.

15 2. Section 7 of this Act takes effect October 1,
16 1991."

17 2. Title page, by striking lines 1 through 6 and
18 inserting the following: "An Act relating to the care
19 and treatment of juveniles and other persons by
20 establishing certain dispositional requirements
21 concerning the state juvenile institutions and their
22 administration, providing for financing and funding of
23 certain facilities serving juveniles and other
24 persons, and providing effective dates."

RECEIVED FROM THE SENATE

H-5817 FILED MARCH 22, 1990

House amended (6/85) & Concurred 4/7 (p. 2318)

HOUSE FILE 2517

H-6185

1 Amend the amendment, H-5817, to House File 2517, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 36, by inserting after the word
5 "There" the following: "is a need to provide for
6 early intensive intervention on behalf of juveniles
7 which is designed to meet the juveniles' needs and
8 prevent future antisocial and criminal behavior and
9 there".

10 2. Page 3, line 28, by inserting after the word
11 "jurisdiction" the following: "and custody".

12 3. Page 3, by striking lines 42 through 44, and
13 inserting the following: "The court finds such
14 placement to be in the best interests of the child or
15 necessary to the protection of the public. The child
16 has committed an".

17 4. Page 3, line 45, by inserting after the word
18 "which" the following: "is a crime against a person
19 and which".

20 5. Page 3, line 49, by inserting after the word
21 "placed" the following: "in a treatment facility".

22 6. Page 4, line 10, by striking the word "both"
23 and inserting the following: "that all".

24 7. Page 4, by inserting after line 17, the
25 following:

26 "(3) That reasonable attempts to notify the
27 parents, guardian ad litem, and attorney for the child
28 have been made."

29 8. Page 4, line 35, by inserting after the word
30 "health" the following: "and is in the best interests
31 of the child".

32 9. Page 5, line 11, by striking the word "both"
33 and inserting the following: "that all".

34 10. Page 5, by inserting after line 18, the
35 following:

36 "(3) That reasonable attempts to notify the
37 parents, guardian ad litem, and attorney for the child
38 have been made."

39 11. Page 5, line 36, by inserting after the word
40 "health" the following: "and is in the best interests
41 of the child".

42 12. Page 6, by inserting after line 28 the
43 following:

44 "Sec. 100. Section 242.1, Code 1989, as amended by
45 this Act, is amended by striking the section and
46 inserting in lieu thereof the following:

47 242.1 OFFICIAL DESIGNATION.

48 1. Effective January 1, 1992, a diagnosis and
49 evaluation center and other units are established at
50 Eldora to provide to juvenile delinquents a program

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1 which focuses upon appropriate developmental skills,
2 treatment, placements, and rehabilitation.

3 2. The diagnosis and evaluation center which is
4 used to identify appropriate treatment and placement
5 alternatives for juveniles and any other units for
6 juvenile delinquents which are located at Eldora and
7 the unit for juvenile delinquents at Toledo shall
8 together be known as the "state training school". For
9 the purposes of this chapter "director" means the
10 director of human services and "superintendent" means
11 the administrator in charge of the diagnosis and
12 evaluation center for juvenile delinquents and other
13 units at Eldora and the unit for juvenile delinquents
14 at Toledo."

15 13. Page 7, line 31, by inserting after the word
16 "with" the following: "a planning group consisting
17 of".

18 14. Page 7, line 34, by inserting after the word
19 "parties," the following: "attorneys who are
20 experienced in representing juveniles and in juvenile
21 law,".

22 15. Page 7, line 35, by striking the words
23 "conduct a study" and inserting the following:
24 "develop a plan".

25 16. Page 8, line 5, by striking the words "study
26 of" and inserting the following: "plan involving".

27 17. Page 8, line 7, by striking the words "study
28 findings" and inserting the following: "plan".

29 18. Page 8, line 22, by striking the word "study"
30 and inserting the following: "planning".

31 19. Page 8, line 23, by striking the words
32 "continue to study" and inserting the following:
33 "also develop a plan for".

34 20. Page 8, line 26, by striking the word "study"
35 and inserting the following: "planning".

36 21. Page 8, by striking lines 32 through 34 and
37 inserting the following: "later than December 1,
38 1991. The plan and planning activities for the state
39 juvenile justice system shall include but are not
40 limited to all of the following:".

41 22. Page 8, line 35, by striking the words "The
42 study group shall seek" and inserting the following:
43 "Seeking".

44 23. By striking page 8, line 48 through page 9,
45 line 10 and inserting the following:

46 "d. Developing a plan for converting the state
47 training school at Eldora, or parts of the facility,
48 to a statewide diagnosis and evaluation center used to
49 identify appropriate treatment and placement
50 alternatives. The plan shall include provisions,

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1 including estimated costs, to establish regional
2 secure treatment facilities for youth who require
3 intensive treatment in this type of setting for
4 extended periods of time. The planning group shall
5 consider potential locations for the facilities near
6 areas of the state in which a wide variety of support
7 services, work and training opportunities, and
8 educational program support are available.

9 Sec. ____ . YOUTHFUL OFFENDERS PROGRAM.

10 1. Effective July 1, 1992, a youthful offenders
11 program is established within the department of
12 corrections to provide for the control, treatment, and
13 rehabilitation of offenders who are 18 to 21 years of
14 age.

15 2. The department of corrections shall work with a
16 task force which shall include representatives of the
17 supreme court, the department of human services, and
18 the criminal and juvenile justice planning division of
19 the department of human rights to develop a proposal
20 to establish a youthful offenders program within adult
21 corrections which shall be submitted to the general
22 assembly and the governor on or before January 2,
23 1991. The program shall be targeted to persons who
24 are 18 to 21 years of age and have committed a first
25 offense and youth who turn 18 years of age while under
26 the jurisdiction of the juvenile court by providing
27 aftercare and extended supervision of the youth
28 through age 21. The task force proposal shall provide
29 a comprehensive description of the program, including
30 characteristics of persons to be referred to the
31 program, a survey of existing state institutions to
32 identify facilities which may be converted to house
33 the program, recommended sentencing criteria and
34 options including deferral of sentence, and
35 recommendations relating to the court's ability to
36 place individuals directly in the program."

37 24. Page 9, line 16, by striking the figure
38 "1991." and inserting the following: "1991.

39 3. Section 100 of this Act takes effect January 1,
40 1992."

41 25. Page 9, line 19, by inserting after the word
42 "juveniles" the following: ", youthful offenders,".

43 26. Page 9, line 24, by inserting after the word
44 "persons," the following: "establishing a youthful
45 offenders program in the department of corrections,".

By JAY of Appanoose
ROSENBERG of Story

H-6185 FILED APRIL 7, 1990

ADOPTED (p. 2318)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2517

S-6028

1 Amend the amendment, H-5817, to House File 2517, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 36, by inserting after the word
5 "There" the following: "is a need to provide for
6 early intensive intervention on behalf of juveniles
7 which is designed to meet the juveniles' needs and
8 prevent future antisocial and criminal behavior and
9 there".

10 2. Page 3, line 28, by inserting after the word
11 "jurisdiction" the following: "and custody".

12 3. Page 3, by striking lines 42 through 44, and
13 inserting the following: "The court finds such
14 placement to be in the best interests of the child or
15 necessary to the protection of the public. The child
16 has committed an".

17 4. Page 3, line 45, by inserting after the word
18 "which" the following: "is a crime against a person
19 and which".

20 5. Page 3, line 49, by inserting after the word
21 "placed" the following: "in a treatment facility".

22 6. Page 4, line 10, by striking the word "both"
23 and inserting the following: "that all".

24 7. Page 4, by inserting after line 17, the
25 following:

26 "(3) That reasonable attempts to notify the
27 parents, guardian ad litem, and attorney for the child
28 have been made."

29 8. Page 4, line 35, by inserting after the word
30 "health" the following: "and is in the best interests
31 of the child".

32 9. Page 5, line 11, by striking the word "both"
33 and inserting the following: "that all".

34 10. Page 5, by inserting after line 18, the
35 following:

36 "(3) That reasonable attempts to notify the
37 parents, guardian ad litem, and attorney for the child
38 have been made."

39 11. Page 5, line 36, by inserting after the word
40 "health" the following: "and is in the best interests
41 of the child".

42 12. Page 6, by inserting after line 28 the
43 following:

44 "Sec. 100. Section 242.1, Code 1989, as amended by
45 this Act, is amended by striking the section and
46 inserting in lieu thereof the following:

47 242.1 OFFICIAL DESIGNATION.

48 1. Effective January 1, 1992, a diagnosis and
49 evaluation center and other units are established at
50 Eldora to provide to juvenile delinquents a program

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Page 2

1 which focuses upon appropriate developmental skills,
2 treatment, placements, and rehabilitation.

3 2. The diagnosis and evaluation center which is
4 used to identify appropriate treatment and placement
5 alternatives for juveniles and any other units for
6 juvenile delinquents which are located at Eldora and
7 the unit for juvenile delinquents at Toledo shall
8 together be known as the "state training school". For
9 the purposes of this chapter "director" means the
10 director of human services and "superintendent" means
11 the administrator in charge of the diagnosis and
12 evaluation center for juvenile delinquents and other
13 units at Eldora and the unit for juvenile delinquents
14 at Toledo."

15 13. Page 7, line 31, by inserting after the word
16 "with" the following: "a planning group consisting
17 of".

18 14. Page 7, line 34, by inserting after the word
19 "parties," the following: "attorneys who are
20 experienced in representing juveniles and in juvenile
21 law,".

22 15. Page 7, line 35, by striking the words
23 "conduct a study" and inserting the following:
24 "develop a plan".

25 16. Page 8, line 5, by striking the words "study
26 of" and inserting the following: "plan involving".

27 17. Page 8, line 7, by striking the words "study
28 findings" and inserting the following: "plan".

29 18. Page 8, line 22, by striking the word "study"
30 and inserting the following: "planning".

31 19. Page 8, line 23, by striking the words
32 "continue to study" and inserting the following:
33 "also develop a plan for".

34 20. Page 8, line 26, by striking the word "study"
35 and inserting the following: "planning".

36 21. Page 8, by striking lines 32 through 34 and
37 inserting the following: "later than December 1,
38 1991. The plan and planning activities for the state
39 juvenile justice system shall include but are not
40 limited to all of the following:".

41 22. Page 8, line 35, by striking the words "The
42 study group shall seek" and inserting the following:
43 "Seeking".

44 23. By striking page 8, line 48 through page 9,
45 line 10 and inserting the following:

46 "d. Developing a plan for converting the state
47 training school at Eldora, or parts of the facility,
48 to a statewide diagnosis and evaluation center used to
49 identify appropriate treatment and placement
50 alternatives. The plan shall include provisions,

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1 including estimated costs, to establish regional
2 secure treatment facilities for youth who require
3 intensive treatment in this type of setting for
4 extended periods of time. The planning group shall
5 consider potential locations for the facilities near
6 areas of the state in which a wide variety of support
7 services, work and training opportunities, and
8 educational program support are available.

9 Sec. ____ . YOUTHFUL OFFENDERS PROGRAM.

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11 program is established within the department of
12 corrections to provide for the control, treatment, and
13 rehabilitation of offenders who are 18 to 21 years of
14 age.

15 2. The department of corrections shall work with a
16 task force which shall include representatives of the
17 supreme court, the department of human services, and
18 the criminal and juvenile justice planning division of
19 the department of human rights to develop a proposal
20 to establish a youthful offenders program within adult
21 corrections which shall be submitted to the general
22 assembly and the governor on or before January 2,
23 1991. The program shall be targeted to persons who
24 are 18 to 21 years of age and have committed a first
25 offense and youth who turn 18 years of age while under
26 the jurisdiction of the juvenile court by providing
27 aftercare and extended supervision of the youth
28 through age 21. The task force proposal shall provide
29 a comprehensive description of the program, including
30 characteristics of persons to be referred to the
31 program, a survey of existing state institutions to
32 identify facilities which may be converted to house
33 the program, recommended sentencing criteria and
34 options including deferral of sentence, and
35 recommendations relating to the court's ability to
36 place individuals directly in the program."

37 24. Page 9, line 16, by striking the figure
38 "1991." and inserting the following: "1991.

39 3. Section 100 of this Act takes effect January 1,
40 1992."

41 25. Page 9, line 19, by inserting after the word
42 "juveniles" the following: ", youthful offenders,".

43 26. Page 9, line 24, by inserting after the word
44 "persons," the following: "establishing a youthful
45 offenders program in the department of corrections,".

RECEIVED FROM THE HOUSE

S-6028 FILED APRIL 8, 1990

CONCURRED (p. 1724)

HOUSE FILE 2517
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW
ENFORCEMENT BILL BY
CHAIRPERSON JAY)

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

A BILL FOR

1 An Act establishing a youthful offenders program by transferring
2 authority over the facilities of the state training school at
3 Eldora to the department of corrections, providing for the
4 establishment of replacement facilities under the department
5 of human services, providing for other related matters, and
6 providing an effective date.

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

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1 Section 1. Section 242.1, Code 1989, is amended to read as
2 follows:

3 242.1 OFFICIAL DESIGNATION.

4 ~~The training-school-for-juvenile-delinquents-at-Eldora~~
5 regional juvenile detention facilities operated by the
6 department of human services and the unit for delinquent
7 juveniles at the Iowa juvenile home at Toledo shall together
8 be known as the "state training school". For the purpose of
9 this chapter the word "administrator" shall mean the
10 administrator of the division of child and family services of
11 the department of human services.

12 Sec. 2. Section 246.102, Code 1989, is amended to read as
13 follows:

14 246.102 DEPARTMENT ESTABLISHED -- INSTITUTIONS.

15 The Iowa department of corrections is established to be
16 responsible for the control, treatment, and rehabilitation of
17 offenders committed under law to the following institutions:

- 18 1. Iowa correctional institution for women.
- 19 2. Iowa state men's reformatory.
- 20 3. Iowa state penitentiary.
- 21 4. Iowa medical and classification center.
- 22 5. North central correctional facility at Rockwell City.
- 23 6. Mount Pleasant correctional facility.
- 24 7. Clarinda correctional facility.
- 25 8. Correctional release center.
- 26 9. Rehabilitation camps.
- 27 10. Eldora youthful offenders facility.

28 ~~±~~ 11. Other institutions related to an institution in
29 subsections 1 through 9 but not attached to the campus of the
30 main institution as program developments require.

31 Sec. 3. YOUTHFUL OFFENDERS PROGRAM -- DEPARTMENT OF
32 CORRECTIONS REQUIREMENTS.

33 1. Effective July 1, 1992, a youthful offenders program is
34 established in the department of corrections to provide for
35 the control, treatment, and rehabilitation of offenders who

1 are no less than seventeen years and six months and no more
2 than twenty-one years of age. The program shall be located in
3 the facilities currently used by the state training school for
4 juvenile delinquents at Eldora which are transferred by this
5 Act under the authority of the department of corrections.

6 2. The department shall adopt rules pursuant to chapter
7 17A to implement the youthful offenders program and the rules
8 shall take effect July 1, 1992, unless an earlier date is
9 specified in the rules. The rules shall establish criteria in
10 addition to age for admission into the program and other
11 provisions necessary for the program's establishment.

12 3. The department shall determine the facility needs and
13 staffing levels required to use the facilities of the state
14 training school for juvenile delinquents at Eldora as the
15 location for the youthful offenders program. The department
16 shall report its findings and their estimated cost to the
17 general assembly on or before January 1, 1991.

18 Sec. 4. REGIONAL JUVENILE DETENTION FACILITIES --
19 DEPARTMENT OF HUMAN SERVICES REQUIREMENTS.

20 The department of human services shall determine the
21 necessary facility requirements and staffing levels required
22 to replace the facilities at the state training school at
23 Eldora with regional juvenile detention facilities. In its
24 determination, the department shall consider locating
25 facilities near areas of the state which have a wide variety
26 of support services, work and training opportunities, and
27 educational program support. The department shall report its
28 findings and their estimated cost to the general assembly on
29 or before January 1, 1991.

30 Sec. 5. EFFECTIVE DATE.

31 Sections 1 and 2 of this Act take effect July 1, 1992.

32 EXPLANATION

33 This bill transfers authority over the facilities used by
34 the state training school to the department of corrections,
35 establishes a youthful offenders program, and provides related

1 provisions. The transfer of authority over the facilities and
2 a change in the definition of the state training school to
3 regional juvenile detention facilities takes effect on July 1,
4 1992. The departments of corrections and human services are
5 directed to determine facility requirements and staffing
6 levels and their costs relating to the usage of the state
7 training school at Eldora as the location for the youthful
8 offenders program and relating to the establishment of
9 regional juvenile detention facilities to replace the Eldora
10 facility. The departments are to report to the general
11 assembly on or before January 1, 1991, regarding their
12 findings.

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HOUSE FILE 2517

AN ACT

RELATING TO THE CARE AND TREATMENT OF JUVENILES, YOUTHFUL OFFENDERS, AND OTHER PERSONS BY ESTABLISHING CERTAIN DISPOSITIONAL REQUIREMENTS CONCERNING THE STATE JUVENILE INSTITUTIONS AND THEIR ADMINISTRATION, PROVIDING FOR FINANCING AND FUNDING OF CERTAIN FACILITIES SERVING JUVENILES AND OTHER PERSONS, ESTABLISHING A YOUTHFUL OFFENDERS PROGRAM IN THE DEPARTMENT OF CORRECTIONS, AND PROVIDING EFFECTIVE DATES.

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

Section 1. Section 135H.6, subsection 5, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

5. The department of human services has submitted written approval of the application based on the department of human services' determination of need. The department of human services shall identify the location and number of children in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of human services and an analysis of the applicant's ability to provide services and support consistent with requirements under chapter 232, particularly regarding community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under chapter 135B or 135C, approval under this subsection shall not be given unless the department of human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is

freestanding from a facility licensed under chapter 135B or 135C. Unless a psychiatric institution was accredited to provide psychiatric services by the joint commission on the accreditation of health care organizations under the commission's consolidated standards for residential settings prior to June 1, 1989, the department of human services shall not approve an application for a license under this chapter until the federal health care financing administration has approved a state Title XIX plan amendment to include coverage of services in a psychiatric medical institution for children. In addition, either of the following conditions must be met:

a. The department of human services shall not give approval to an application which would cause the total number of beds licensed under this chapter to exceed three hundred sixty beds, except as provided in paragraph "b", with not more than three hundred of the beds licensed under chapter 237 before January 1, 1989, and not more than sixty of the beds licensed under chapter 237 on or after January 1, 1989.

b. The department of human services shall not give approval to an application which would cause the total number of beds licensed under this chapter after June 30, 1990, which specialize in providing substance abuse treatment to children to exceed seventy beds.

Sec. 2. Section 135H.6, subsection 6, Code Supplement 1989, is amended to read as follows:

6. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under section 237.3, subsection 2, paragraph "a", subparagraph (3), for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under section 237.3, subsection 2, paragraph "a", subparagraph (3).

Sec. 3. Section 217.8, Code 1989, is amended to read as follows:

217.8 DIVISION OF CHILD AND FAMILY SERVICES.

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

Sec. 4. Section 218.9, unnumbered paragraph 2, Code 1989, is amended by striking the paragraph.

Sec. 5. Section 220.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. There is a need to provide for early intensive intervention on behalf of juveniles which is designed to meet the juveniles' needs and prevent future antisocial and criminal behavior and there is a need in areas of the state to establish facilities providing residential housing or treatment facilities for juveniles requiring a more enhanced level of services than those services currently available in the state's existing foster care system.

Sec. 6. NEW SECTION. 220.155 RESIDENTIAL TREATMENT FACILITIES.

1. The authority may issue its bonds and notes and loan the proceeds of the bonds or notes to a nonprofit corporation for the purpose of financing the acquisition or construction of residential housing or treatment facilities serving juveniles or handicapped or disabled persons.

2. The authority may enter into a loan agreement with a nonprofit corporation for the purpose of financing the acquisition or construction of residential housing or treatment facilities serving juveniles or handicapped or disabled persons and shall provide for payment of the loan and security for the loan as the authority deems advisable.

3. In the resolution authorizing the issuance of the bonds or notes pursuant to this section, the authority may provide that the related principal and interest are limited obligations payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the nonprofit corporation, and the principal or interest does not constitute an indebtedness of the authority or a charge against the authority's general credit or general fund.

4. The powers granted the authority under this section are in addition to the authority's other powers under this chapter. All other provisions of this chapter, except section 220.28, subsection 4, apply to bond or notes issued pursuant to, and powers granted to the authority under this section, except to the extent the provisions are inconsistent with this section.

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

e. An order transferring the guardianship of the child, subject to the continuing jurisdiction and custody of the court for the purposes of section 232.54, to the director of the department of human services for purposes of placement in the state training school or other facility provided that the child is at least twelve years of age and the court finds the placement to be in the best interests of the child or necessary for the protection of the public, and that the child has been found to have committed an act which is a forcible felony, as defined in section 702.11, or the court finds any three of the following conditions exist:

(1) The child is at least twelve fifteen years of age; and,

The court finds such placement to be in the best interests of the child or necessary to the protection of the public. The child has committed an act which is a crime against a person and which would be an aggravated misdemeanor or a felony if the act were committed by an adult.

(3) The child has previously been found to have committed a delinquent act.

(4) The child has previously been placed in a treatment facility outside the child's home.

Sec. 8. Section 232.52, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. Upon receipt of an application from the director of the department of human services, the court shall enter an order to temporarily transfer a child who has been placed in the state training school pursuant to subsection 2, paragraph "e", to a facility which has been designated to be an alternative placement site for the state training school, provided the court finds that all of the following conditions exist:

(1) There is insufficient time to file a motion and hold a hearing for a substitute dispositional order under section 232.54.

(2) Immediate removal of the child from the state training school is necessary to safeguard the child's physical or emotional health.

(3) That reasonable attempts to notify the parents, guardian ad litem, and attorney for the child have been made.

b. If the court finds the conditions in paragraph "a" exist and there is insufficient time to provide notice as required under rule of juvenile procedure 4.6, the court may enter an ex parte order temporarily transferring the child to the alternative placement site.

c. Within three days of the child's transfer, the director shall file a motion for a substitute dispositional order under section 232.54 and the court shall hold a hearing concerning the motion within fourteen days of the child's transfer.

Sec. 9. Section 232.54, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. With respect to a temporary transfer order made pursuant to section 232.52, subsection 8, if the

court finds that removal of a child from the state training school is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a substitute dispositional order to place the child in a facility which has been designated to be an alternative placement site for the state training school.

Sec. 10. Section 232.102, subsection 3, Code 1989, is amended to read as follows:

3. After a dispositional hearing and upon written findings of fact based upon evidence in the record that an alternative placement set forth in subsection 1, paragraph "b" has previously been made and is not appropriate the court may enter an order transferring the guardianship of the court for the purposes of subsection 7, to the ~~commissioner~~ director of human services for the purposes of placement in the Iowa ~~Juvenile-Home~~ juvenile home at Toledo.

Sec. 11. Section 232.102, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. Upon receipt of an application from the director of the department of human services, the court shall enter an order to temporarily transfer a child who has been placed in the Iowa juvenile home at Toledo pursuant to subsection 3, to a facility which has been designated to be an alternative placement site for the juvenile home, provided the court finds that all of the following conditions exist:

(1) There is insufficient time to file a motion and hold a hearing for a new dispositional order under section 232.103.

(2) Immediate removal of the child from the juvenile home is necessary to safeguard the child's physical or emotional health.

(3) That reasonable attempts to notify the parents, guardian ad litem, and attorney for the child have been made.

b. If the court finds the conditions in paragraph "a" exist and there is insufficient time to provide notice as

required under rule of juvenile procedure 4.6, the court may enter an ex parte order temporarily transferring the child to the alternative placement site.

c. Within three days of the child's transfer, the director shall file a motion for a new dispositional order under section 232.103 and the court shall hold a hearing concerning the motion within fourteen days of the child's transfer.

Sec. 12. Section 232.103, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. With respect to a temporary transfer order made pursuant to section 232.102, subsection 3A, if the court finds that removal of a child from the Iowa juvenile home is necessary to safeguard the child's physical or emotional health and is in the best interests of the child, the court shall grant the director's motion for a new dispositional order to place the child in a facility which has been designated to be an alternative placement site for the juvenile home.

Sec. 13. Section 232.142, subsection 3, Code 1989, is amended to read as follows:

3. Approved A county or multicounty juvenile homes home approved pursuant to this section shall be entitled to receive financial aid from the state in the amount and in such a manner as determined approved by the director. Aid paid by the state shall not exceed be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of such a the home.

Sec. 14. NEW SECTION. 237.14 ENHANCED FOSTER CARE SERVICES.

The department shall provide for enhanced foster care services by establishing supplemental per diem or performance-based contracts which include payment of costs relating to payments of principal and interest for bonds and notes issued pursuant to section 220.155 with facilities licensed under

this chapter which provide special services to children who would otherwise be placed in a state juvenile institution or an out-of-state program. Before completion of the department's budget estimate as required by section 8.23, the department shall determine and include in the estimate the amount which should be appropriated for enhanced foster care services for the forthcoming fiscal year in order to provide sufficient services.

Sec. 15. Section 242.1, Code 1989, is amended to read as follows:

242.1 OFFICIAL DESIGNATION.

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

Sec. 16. Section 242.1, Code 1989, as amended by this Act, is amended by striking the section and inserting in lieu thereof the following:

242.1 OFFICIAL DESIGNATION.

1. Effective January 1, 1992, a diagnosis and evaluation center and other units are established at Eldora to provide to juvenile delinquents a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

2. The diagnosis and evaluation center which is used to identify appropriate treatment and placement alternatives for juveniles and any other units for juvenile delinquents which are located at Eldora and the unit for juvenile delinquents at Toledo shall together be known as the "state training school". For the purposes of this chapter "director" means the director of human services and "superintendent" means the administrator in charge of the diagnosis and evaluation center for juvenile

delinquents and other units at Eldora and the unit for juvenile delinquents at Toledo.

Sec. 17. Section 242.2, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

242.2 SUPERINTENDENT -- POWERS AND DUTIES.

The superintendent has charge and custody of the juveniles committed to the state training school. The superintendent shall administer the state training school and direct the staff in order to provide a positive living experience designed to prepare the juveniles for a productive future.

Sec. 18. Section 242.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

242.4 EDUCATION AND TRAINING.

The state training school shall provide a positive living experience for older juveniles who require secure custody and who live at the state training school for an extended period of time. The education and training programs provided to the juveniles shall reflect the age level and extended period of stay by focusing upon appropriate developmental skills to prepare the juveniles for productive living.

Sec. 19. Section 244.1, subsection 1, Code 1989, is amended to read as follows:

1. "Administrator" or "director" means the ~~administrator of the division of child and family services~~ director of the department of human services.

Sec. 20. Section 244.4, Code 1989, is amended to read as follows:

244.4 PROCEDURE.

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

Sec. 21. STATE JUVENILE INSTITUTIONS -- POPULATION GUIDELINES.

The judicial department, in consultation with the department of human services, shall develop population guidelines to indicate the number of children which may be

placed at the state training school or the Iowa juvenile home at any one time. Within the population guidelines, the judicial department shall allocate to each judicial district a number of children which may be placed in a juvenile institution from the district. The judicial department shall develop procedures to manage the number of children placed in a juvenile institution within the population guideline established for the institution. The guidelines, allocations, and procedures required by this section shall be implemented on or before January 1, 1991.

Sec. 22. DEVELOPMENT OF CHILDREN'S PROGRAMS IN COMMUNITY SETTINGS AND OTHER CONCERNS RELATING TO JUVENILE JUSTICE.

1. a. The department of human services and the supreme court, in consultation with a planning group consisting of existing providers of services, 4 members of the general assembly equally representing the house and senate and both political parties, attorneys who are experienced in representing juveniles and in juvenile law, and experts in child welfare and juvenile justice, shall develop a plan identifying the types of residential programs which should be developed, either by enhancing reimbursement of foster care services or of psychiatric medical institutions for children, to serve the children who are currently in the following placements: the Iowa juvenile home, out-of-state facilities at high cost to the state, and the state training school when the children could be served in community settings if the proper type of program were available. The recommendations of the juvenile justice advisory committee, established by the legislative council in 1989, regarding the state training school and the Iowa juvenile home shall be considered. In addition, the need to develop specific programs to serve children who are sexual abuse perpetrators, substance abusers, or have a dual diagnosis, and the regions of the states where the specific programs should be located in order to serve children in community settings, shall be identified. The

department and the supreme court shall complete the plan involving the items required under this section on or before June 1, 1990.

b. Based upon the plan, the department shall request proposals to develop a total of 120 additional residential placement slots in community settings and the slots shall be available on or before October 1, 1991. The department shall work with the Iowa finance authority and service providers to finance the development of resources for these slots at the lowest possible cost. The requests for proposals shall be issued on or before July 1, 1990.

c. Notwithstanding the provisions of section 135H.6, subsection 5, psychiatric medical institution for children beds developed under this section are not subject to the limit upon the number of beds which may be provided under psychiatric medical institution for children licensure.

2. The planning group established in subsection 1 shall also develop a plan for the state juvenile justice system and related issues and shall perform other tasks when the tasks listed in subsection 1 are completed. The planning group shall conduct a review and develop recommendations regarding certain aspects of the system and perform the tasks designated in this subsection, and report to the governor and to the legislative council as recommendations are developed and tasks are performed and submit a final report no later than December 1, 1991. The plan and planning activities for the state juvenile justice system shall include but are not limited to all of the following:

a. Seeking public-private partnerships to modernize the educational and vocational programs offered at the state juvenile institutions.

b. The study group shall develop potential placement and program criteria for the state juvenile home, based upon the expectation that the home will continue to serve as a coeducational juvenile facility for 90 youth but shall

consider that residential treatment program expansions may eliminate the need for placements of children found to be in need of assistance (CHINA) at the home and that the population and population needs may change.

c. Developing a plan for converting the state training school at Eldora, or parts of the facility, to a statewide diagnosis and evaluation center used to identify appropriate treatment and placement alternatives. The plan shall include provisions, including estimated costs, to establish regional secure treatment facilities for youth who require intensive treatment in this type of setting for extended periods of time. The planning group shall consider potential locations for the facilities near areas of the state in which a wide variety of support services, work and training opportunities, and educational program support are available.

Sec. 23. YOUTHFUL OFFENDERS PROGRAM.

1. Effective July 1, 1992, a youthful offenders program is established within the department of corrections to provide for the control, treatment, and rehabilitation of offenders who are 18 to 21 years of age.

2. The department of corrections shall work with a task force which shall include representatives of the supreme court, the department of human services, and the criminal and juvenile justice planning division of the department of human rights to develop a proposal to establish a youthful offenders program within adult corrections which shall be submitted to the general assembly and the governor on or before January 2, 1991. The program shall be targeted to persons who are 18 to 21 years of age and have committed a first offense and youth who turn 18 years of age while under the jurisdiction of the juvenile court by providing aftercare and extended supervision of the youth through age 21. The task force proposal shall provide a comprehensive description of the program, including characteristics of persons to be referred to the program, a survey of existing state institutions to identify facilities

which may be converted to house the program, recommended sentencing criteria and options including deferral of sentence, and recommendations relating to the court's ability to place individuals directly in the program.

Sec. 24. EFFECTIVE DATES.

1. Sections 1, 2, 5, 6, 14, and 22 of this Act, being deemed of immediate importance, take effect upon enactment.
2. Section 7 of this Act takes effect October 1, 1991.
3. Section 16 of this Act takes effect January 1, 1992.

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 2517, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 3, 1990

TERRY E. BRANSTAD
Governor