

2/20/96 Hammond Res.

FILED FEB 19 1996

SENATE FILE 2229
BY HAMMOND

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

A BILL FOR

1 An Act relating to juvenile emergency shelter care.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2229

1 Section 1. Section 232.142, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. County boards of supervisors which singly or in
4 conjunction with one or more other counties provide and
5 maintain juvenile detention, emergency juvenile shelter, and
6 juvenile shelter care homes are subject to this section.

7 Sec. 2. Section 232.142, Code 1995, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 4A. a. An emergency juvenile shelter
10 care home is a staff secure setting which provides emergency
11 shelter to a juvenile in accordance with this subsection for
12 not more than forty-eight hours or for longer periods in
13 accordance with a court order. A provider of emergency
14 juvenile shelter care home services must be approved under
15 this section as a juvenile detention or shelter care home. If
16 the provider provides emergency juvenile shelter care home
17 services in addition to juvenile detention or shelter care
18 home services, the emergency juvenile shelter care home
19 services shall be provided separately from the juvenile
20 detention or shelter care services. The criminal and juvenile
21 justice planning council created in section 216A.132 shall
22 develop guidelines for admission to, programming, and
23 operation of emergency juvenile shelter care home services.
24 Administrative rules adopted by the director for emergency
25 juvenile shelter care homes shall be based upon the guidelines
26 developed by the council. The guidelines and rules may
27 provide for additions and exceptions to the standards and
28 rules applicable to approved juvenile detention and shelter
29 care homes.

30 b. The emergency juvenile shelter care home shall have
31 appropriate services available to juveniles, including but not
32 limited to providing brief counseling to reunite a juvenile
33 with the juvenile's parent or guardian, and an initial
34 screening for mental health, substance abuse, and other
35 service needs. The emergency juvenile shelter care home may

1 provide for the availability of counseling services twenty-
2 four hours per day.

3 c. An emergency juvenile shelter care home shall be
4 considered a shelter care home for purposes of issuing bonds
5 as provided in subsection 2 and sections 331.441 to 331.449.

6 d. An emergency juvenile shelter care home shall be
7 available to the following juveniles:

8 (1) To a juvenile taken into custody pursuant to section
9 232.19, subject to the requirements of sections 232.19,
10 232.20, and 232.21.

11 (2) To a juvenile who is in custody pursuant to an ex
12 parte court order entered in accordance with section 232.78.

13 (3) To a juvenile who is in custody without a court order
14 in accordance with section 232.79.

15 (4) To a juvenile who is in a circumstance or condition
16 that presents a danger to the child's life or health and who
17 requests to be served by the emergency juvenile shelter care
18 home.

19 Sec. 3. Section 234.35, subsection 1, Code 1995, is
20 amended by adding the following new paragraph:

21 NEW PARAGRAPH. j. When a child enters emergency juvenile
22 shelter care in accordance with section 232.142, subsection
23 4A, to the extent moneys are appropriated for this purpose.

24 EXPLANATION

25 This bill amends section 232.142, relating to maintenance
26 and cost of juvenile homes, to authorize a county or group of
27 counties to establish a county or multicounty emergency
28 juvenile shelter care home.

29 The bill provides that an emergency juvenile shelter care
30 home is a staff secure setting which provides emergency
31 shelter to juveniles for a maximum of 48 hours without a court
32 order. A provider of emergency juvenile shelter care home
33 services must be approved as a juvenile detention or shelter
34 care home. If the provider provides emergency juvenile
35 shelter care home services in addition to juvenile detention

1 or shelter care home services, the emergency juvenile shelter
2 care home services shall be provided separately from the
3 juvenile detention or shelter care services. Guidelines for
4 admission to, programming, and operation of emergency juvenile
5 shelter care services shall be developed by the criminal and
6 juvenile justice planning council created in section 216A.132.
7 Administrative rules adopted by the director of human services
8 must be based upon the guidelines developed by the council.

9 The shelter must have certain screening and counseling
10 services available to juveniles. An emergency shelter is a
11 shelter care home for purposes of county general obligation
12 bond provisions. Provisions for operating rules adopted by
13 the department of human services and staff records checks are
14 applicable to the emergency shelters.

15 The bill authorizes an emergency shelter to be used for
16 juveniles taken into custody and detained pursuant to section
17 232.19, which includes a court order, a delinquent act, a
18 child believed to have run away, and a child believed to have
19 materially violated a dispositional order; an ex parte
20 temporary custody order pursuant to section 232.78; an
21 emergency temporary custody removal without a court order
22 pursuant to section 232.79; and a juvenile who is in dangerous
23 circumstances and requests to be served by the emergency
24 shelter.

25 Section 234.35 is amended to authorize state payment for
26 emergency juvenile shelter care to the extent moneys are
27 appropriated for this purpose.

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