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SENATE FILE 2439
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 379)

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

A BILL FOR

1 An Act relating to harboring a runaway, exempting a parent,
2 guardian, or custodian of a juvenile who is a chronic runaway
3 from financial liability for the acts of the juvenile,
4 authorizing county runaway treatment plans, making a penalty
5 applicable, and making an appropriation.

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

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S.F. 2439

1 Section 1. Section 232.2, Code Supplement 1995, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 6A. "Chronic runaway" means a child who
4 is reported to law enforcement as a runaway more than once in
5 any month or three or more times in a year.

6 Sec. 2. Section 232.19, subsection 1, paragraph c, Code
7 1995, is amended to read as follows:

8 c. By a peace officer ~~for the purpose of reuniting a child~~
9 ~~with the child's family or removing the child to a shelter~~
10 ~~care facility~~, when the peace officer has reasonable grounds
11 to believe the child has run away from the child's parents,
12 guardian, or custodian, for the purposes of determining
13 whether the child shall be reunited with the child's parents,
14 guardian, or custodian, placed in shelter care, or, if a
15 chronic runaway, placed in a runaway assessment and counseling
16 center under section 232.196.

17 Sec. 3. NEW SECTION. 232.195 RUNAWAY TREATMENT PLAN.

18 A county may develop a runaway treatment plan to address
19 problems with chronic runaway children in the county. The
20 county shall submit the plan to the department of human
21 services for approval. The plan shall identify the problems
22 with chronic runaway children in the county and specific
23 solutions to be implemented by the county, including the
24 development of a runaway assessment and counseling center and
25 may include a request for funding. The department may award
26 funds appropriated for this purpose to a county to implement
27 the county runaway treatment plan.

28 Sec. 4. NEW SECTION. 232.196 RUNAWAY ASSESSMENT AND
29 COUNSELING CENTER.

30 1. As part of the county runaway treatment plan under
31 section 232.195, the county may implement a runaway assessment
32 and treatment center. The center, if implemented, shall
33 provide services to assess a child who is referred to the
34 center for being a chronic runaway and intensive family
35 counseling designed to address any problem causing the child

1 to run away.

2 2. a. If not sent home with the child's parent, guardian,
3 or custodian, the child may be placed in a runaway assessment
4 and treatment center by the peace officer who takes the child
5 into custody under section 232.19 if the child is a chronic
6 runaway and the officer believes it to be in the child's best
7 interest after consulting with the child's parent, guardian,
8 or custodian. A child shall not be placed in a runaway
9 assessment and treatment center for more than forty-eight
10 hours.

11 b. Within twenty-four hours of being placed in the center
12 the child shall be assessed by a center counselor to determine
13 the reasons why the child is a runaway and whether child in
14 need of assistance or family in need of assistance proceedings
15 are appropriate. As soon as practicable following the
16 assessment, the child and the child's parents, guardian, or
17 custodian shall be provided the opportunity for a counseling
18 session to identify the underlying causes of the runaway
19 behavior and develop a plan to address those causes.

20 c. A child shall be released from a runaway assessment and
21 treatment center to the child's parents, guardian, or
22 custodian not later than forty-eight hours after being placed
23 in the center unless the child is placed in shelter care under
24 section 232.21 or an order is entered under section 232.78. A
25 child whose parents, guardian, or custodian failed to attend
26 counseling at the center or who fails to take custody of the
27 child at the end of placement in the center may be the subject
28 of a child in need of assistance petition or such other order
29 as the juvenile court finds to be in the child's best
30 interest.

31 Sec. 5. Section 710.8, Code 1995, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 4. A person shall not harbor a runaway
34 child with the intent of allowing the runaway child to remain
35 away from home against the wishes of the child's parent,

1 guardian, or custodian.

2 Sec. 6. APPROPRIATION. There is appropriated from the
3 general fund of the state to the department of human services
4 for the fiscal year beginning July 1, 1996, and ending June
5 30, 1997, the following amount, or so much thereof as is
6 necessary, to be used for the purpose designated:

7 For assistance to counties which are implementing a county
8 runaway treatment plan under section 232.195:

9 \$ 6,000,000

10 EXPLANATION

11 This bill provides for the development of county plans to
12 address problems regarding chronic runaway children and
13 provides an appropriation.

14 The bill defines chronic runaway as a juvenile who is
15 reported to law enforcement as a runaway more than once a
16 month or three or more times in a year. The bill authorizes a
17 peace officer to take a juvenile into custody to determine
18 whether the juvenile should be returned home or placed in
19 shelter care or in a runaway assessment and counseling center.
20 A county may develop a runaway assessment and counseling
21 center as part of a plan to address the problems of runaways
22 in the county. A county which develops such a plan may apply
23 to the department of human services for funding from a \$6
24 million appropriation made in the bill for that purpose.

25 A runaway assessment and treatment center shall provide
26 services to assess and address the problem causing a juvenile
27 to run away from home. A juvenile may not be held in a center
28 for more than 48 hours. The juvenile and the juvenile's
29 parents are to have a short counseling session to address the
30 problem causing the running away prior to the juvenile being
31 released from the center. Failure to attend counseling may
32 lead to the filing of a child in need of assistance petition.

33 The bill also provides that a person shall not harbor a
34 runaway juvenile with the intent of allowing the runaway to
35 remain away from home against the wishes of the juvenile's

1 parents. Violation of this provision is an aggravated
2 misdemeanor.

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