

FEB 10 1997
JUDICIARY

HOUSE FILE 185
BY LAMBERTI and CONNORS

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

A BILL FOR

1 An Act declaring a truant a child in need of assistance and
2 establishing a penalty for aiding a child to be truant.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 185

1 Section 1. Section 232.2, subsection 6, Code 1997, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. p. Whose parent, guardian, or custodian is
4 unwilling or unable to cause the child to attend school as
5 required under section 299.1.

6 Sec. 2. Section 299.8, Code 1997, is amended to read as
7 follows:

8 299.8 "TRUANT" DEFINED.

9 Any child of compulsory attendance age who fails to attend
10 school as provided in this chapter, or as required by the
11 school board's or school governing body's attendance policy,
12 or who fails to attend competent private instruction under
13 chapter 299A, without reasonable excuse for the absence, shall
14 be deemed to be a truant. ~~A finding that a child is truant,~~
15 ~~however, shall not by itself mean that the child is a child in~~
16 ~~need of assistance within the meaning of chapter 232 and shall~~
17 ~~not be the sole basis for a child in need of assistance~~
18 ~~petition.~~

19 Sec. 3. Section 709A.1, Code 1997, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 6. For a person to knowingly encourage a
22 child to be truant as defined in section 299.8, or for a
23 person to allow their residence to be used to facilitate the
24 truancy of a child.

25 Sec. 4. IMPLEMENTATION. Section 25B.2, subsection 3,
26 shall not apply to this Act.

27 EXPLANATION

28 This bill defines as a "child in need of assistance" a
29 child whose parent, guardian, or custodian is unwilling or
30 unable to cause the child to attend school. Also under the
31 bill, a person who knowingly encourages a child to be truant
32 or allows their residence to be used to facilitate the truancy
33 of a child is guilty of a simple misdemeanor.

34 The bill may include a state mandate. However, the bill
35 nullifies the state mandate funding requirement provided in

1 section 25B.2, subsection 3.

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**HOUSE FILE 185
FISCAL NOTE**

A fiscal note for **House File 185** 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 185 defines as a "child in need of assistance" (CINA), a child whose parent, guardian, or custodian is unwilling or unable to cause the child to attend school, and provides that an individual who knowingly encourages a child to be truant or allows their residence to be used to facilitate the truancy of a child is guilty of a simple misdemeanor, and nullifies the State Mandate funding requirement provided in Section 25B.2, Subsection 3, Code of Iowa.

ASSUMPTIONS:

1. There were 15,700 truants during the 1995-96 school year, of which 12,100 were of compulsory attendance age (6-16 years). It is assumed that the 1996-97 school year will experience similar numbers of truants.
2. Approximately 1/3 of current truants are receiving services through the juvenile court system and the Department of Human Services (DHS).
3. The Bill allows County Attorneys to file a CINA petition on the grounds of truancy. It is estimated that County Attorneys would choose to file CINA petitions on 50.0% of the remaining 8,000 youth, leaving approximately 4,000 youth requiring services each school year. It is estimated that 50.0% would be served through local community resources and 50.0% would receive Family Centered Services provided by the State.
4. Although HF 185 would increase Juvenile Court caseloads and demand on Family Centered Services provided by the DHS, there is no corresponding State General Fund appropriation for either budget.
5. If the DHS Field Operations is not allocated additional staff and funds, the non-abuse service cases per worker will increase 1.31 in FY 1998 and 1.87 in FY 1999. The DHS estimates the additional annualized cost impact of Family Centered Services to be \$2.2 million State share in FY 1998 and \$3.1 million State share in FY 1999.
6. The predicted caseload increase for Family Centered Services would require staff increases of 1.5 FTE Clerk Typist 3s, 6.5 FTE Social Worker 2s, and 0.5 FTE Social Worker 3 Supervisor in FY 1998, and 2.0 FTE Clerk Typist 3s, 9.0 FTE Social Worker 2s, and 1.0 FTE Social Worker 3 Supervisor in FY 1999.
7. Each Child in Need of Assistance (CINA) case will require additional hearings for disposition and adjudication, averaging 2.0 hours of court time with a court cost of \$88.15 per hour. Costs for Juvenile Court Officers are in addition to the court costs. It is estimated that an

additional 39 Juvenile Court Officers would be required to maintain the current caseload at a cost of \$1.4 million annually, based on an estimated increase of 4,000 CINA cases.

- 8. Data Processing requirements of adding "truancy" as a field for DHS eligibility and reporting would cost \$7,500 State share.
- 9. Counties would be required to provide office space for additional Field Operations Staff, if funds become available and additional Field Operations Staff are hired.

CORRECTIONAL IMPACT

There is no estimated correctional impact.

FISCAL IMPACT:

Fiscal Impact of HF 185
(dollars in thousands)

	<u>Fiscal Year 1998</u>	<u>Fiscal Year 1999</u>
<u>REVENUE</u>		
Federal Funds	\$ 1,208	\$ 1,710
Total	<u>\$ 1,208</u>	<u>\$ 1,710</u>
<u>EXPENDITURES</u>		
Salaries (FTEs)	\$ 315 (9.5)	\$ 449 (12.5)
Support	37	22
Family Centered Services	3,368	4,795
Juvenile Court Costs	705	705
Juvenile Court Officers (FTEs)	1,400 (39.0)	1,400 (39.0)
Total	<u>\$ 5,825</u>	<u>\$ 7,371</u>
GENERAL FUND COST	<u>\$ 4,617</u>	<u>\$ 5,661</u>

SOURCES:

- Department of Human Services
- Department of Education
- Judicial Department
- Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 2055hh, MMB)

FILED MARCH 12, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR