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JUDICIARY

HOUSE FILE 669  
BY SHOULTZ and FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to juvenile justice, by expanding the criteria  
2 for placement of juveniles in the state training school or  
3 other facility, declaring a child in need of assistance to be  
4 a truant by requesting a study of the creation of a state  
5 agency on juvenile services, by making additional  
6 appropriations to certain programs and services provided to  
7 juveniles, and providing penalties.

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

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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 232.52, subsection 2, paragraph e,  
7 subparagraph (4), Code 1997, is amended to read as follows:

8 (4) The child has previously been placed in a treatment  
9 facility outside the child's home or in a supervised community  
10 treatment program established pursuant to section 232.191,  
11 subsection 4, as a result of a prior delinquency adjudication.

12 Sec. 3. Section 299.8, Code 1997, is amended to read as  
13 follows:

14 299.8 "TRUANT" DEFINED.

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

25 Sec. 4. Section 709A.1, Code 1997, is amended by adding  
26 the following new subsection:

27 NEW SUBSECTION. 6. For a person to knowingly encourage a  
28 child to be truant as defined in section 299.8, or for a  
29 person to allow their residence to be used to facilitate the  
30 truancy of a child.

31 Sec. 5. COMMUNITY GRANT FUNDS. There is appropriated from  
32 the general fund of the state to the community grant fund  
33 established under section 232.190, for the fiscal year  
34 beginning July 1, 1997, and ending June 30, 1998, the  
35 following amount, or so much thereof as is necessary, to be

1 used for additional grants for juvenile crime prevention  
 2 programs established by cities, counties, or entities  
 3 organized under chapter 28E:  
 4 ..... \$ 2,500,000

5     Sec. 6. ADOLESCENT TRACKING AND MONITORING. There is  
 6 appropriated from the general fund of the state to the  
 7 department of human services for the fiscal year beginning  
 8 July 1, 1997, and ending June 30, 1998, the following amount,  
 9 or so much thereof as is necessary, to be used as additional  
 10 funding for the adolescent tracking and monitoring programs:  
 11 .....\$     943,528

12     Sec. 7. SUPERVISED COMMUNITY TREATMENT PROGRAMS. There is  
 13 appropriated from the general fund of the state to the  
 14 department of human services for the fiscal year beginning  
 15 July 1, 1997, and ending June 30, 1998, the following amount,  
 16 or so much thereof as is necessary, to be used as additional  
 17 funding for child and family services which provide  
 18 comprehensive multidisciplinary treatment services to youth in  
 19 a structured community setting:  
 20 ..... \$ 1,194,464

21     Sec. 8. SCHOOL-BASED SUPERVISION. There is appropriated  
 22 from the general fund of the state to the department of human  
 23 services for the fiscal year beginning July 1, 1997, and  
 24 ending June 30, 1998, the following amounts, or so much  
 25 thereof as is necessary, to be used as additional matching  
 26 funds for school-based supervision by the designated entities:

27     For the department of human services, if the department  
 28 obtains matching funds equal to fifty percent of the amount  
 29 appropriated:

30 ..... \$ 240,000

31     For child and family services for school-based supervision  
 32 of children adjudicated under chapter 232, if matching funds  
 33 are provided in an amount equal to twenty-five percent of the  
 34 amount appropriated:

35 ..... \$ 200,000

1 For school districts, if each participating school district  
2 provides matching funds in the amount of twenty-five percent  
3 of the amount allocated to the district:

4 ..... \$ 200,000

5 Sec. 9. HIGHLY STRUCTURED JUVENILE PROGRAM BEDS.

6 Notwithstanding section 232.143, there is appropriated from  
7 the general fund of the state to the department human services  
8 for the fiscal year beginning July 1, 1997, and ending June  
9 30, 1998, the following additional amount, or so much thereof  
10 as is necessary, for purposes of providing state matching  
11 funds for 111 highly structured juvenile program beds:

12 ..... \$ 2,800,000

13 Sec. 10. STATE TRAINING SCHOOL ADDITION. Notwithstanding

14 section 232.143, there is appropriated from the general fund  
15 of the state to the department of human services for the  
16 fiscal year beginning July 1, 1997, and ending June 30, 1998,  
17 the following additional amount, or so much thereof as is  
18 necessary, to be used for constructing a twenty-four-bed unit  
19 for violent offenders at the Eldora state training school:

20 ..... \$ 1,600,000

21 Unobligated or unencumbered funds appropriated by this  
22 section for the fiscal year beginning July 1, 1997, and ending  
23 June 30, 1998, remaining on June 30, 2001, shall revert to the  
24 general fund of the state on August 31, 2001. However, if the  
25 projects for which the funds are appropriated are completed  
26 prior to June 30, 2001, the remaining unobligated or  
27 unencumbered funds shall revert to the general fund of the  
28 state on August 31 following the end of the fiscal year in  
29 which the projects are completed.

30 Sec. 11. FAMILY RESOURCE DEMONSTRATION PROGRAMS. There is

31 appropriated from the general fund of the state to the  
32 department of education for the fiscal year beginning July 1,  
33 1997, and ending June 30, 1998, the following amount, or so  
34 much thereof as is necessary, to be used for awarding grants  
35 under chapter 256C to family resource center demonstration

1 programs:

2 ..... \$ 500,000

3 Sec. 12. JUVENILE COURT OFFICERS. There is appropriated  
4 from the general fund of the state to the judicial department  
5 for the fiscal year beginning July 1, 1997, and ending June  
6 30, 1998, the following additional amount, or so much thereof  
7 as is necessary, to be used for salaries, support,  
8 maintenance, and miscellaneous purposes, and for not more than  
9 the following full-time equivalent positions for new juvenile  
10 court officers:

11 ..... \$ 500,000

12 ..... FTEs 10.00

13 Sec. 13. EDUCATIONAL PROGRAMMING AT ELDORA AND TOLEDO.

14 There is appropriated from the general fund of the state to  
15 the department of human services for the fiscal year beginning  
16 July 1, 1997, and ending June 30, 1998, the following  
17 additional amount, or so much thereof as is necessary, to be  
18 used for purposes of providing educational programs at the  
19 Eldora state training school and the Iowa juvenile home at  
20 Toledo which focus on the prevention of sexual abuse and the  
21 development of positive social interaction skills:

22 ..... \$ 200,000

23 Sec. 14. YOUTH SERVICES DEPARTMENT -- STUDY. The  
24 legislative council is requested to establish an interim study  
25 committee consisting of members of both political parties from  
26 both houses of the general assembly to consider whether a  
27 separate state department for youth services should be  
28 established. The study may include, but is not limited to, a  
29 review of existing programs and services provided to juveniles  
30 in this state and the funding mechanisms for those programs  
31 and services; identifying the various agencies currently  
32 involved in the delivery of those programs and services to  
33 juveniles; identifying areas in which programs and services  
34 overlap; reviewing the approaches used and experiences of  
35 other states in delivering juvenile services; and receiving

1 testimony from agency staff, service providers, and youth  
2 services advocates on issues deemed relevant to the delivery  
3 of juvenile services in this state. The committee may be  
4 authorized to hire a consultant to provide the background  
5 information requested by the committee. The committee shall  
6 submit its findings, together with any recommendations, in a  
7 report to the general assembly which convenes in January 1998.

8 Sec. 15. IMPLEMENTATION. Section 25B.2, subsection 3,  
9 shall not apply to sections 1, 3, and 4 of this Act.

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## EXPLANATION

11 This bill expands the admission requirements for the state  
12 training school, makes appropriations to various agencies for  
13 juvenile programs and services, and requests a legislative  
14 study of the efficacy of consolidating the administration of  
15 youth services and programs under a single agency.

16 This bill adds to the definition of "child in need of  
17 assistance" children whose parent, guardian, or custodian is  
18 unwilling or unable to cause the child to attend school.

19 This bill adds an alternative to the criteria which are  
20 currently used by the court to determine whether a delinquent  
21 child may be placed in the state training school or other  
22 facility. Previous placement in a highly structured  
23 delinquency day treatment program is added in the bill as an  
24 alternative to the current requirement that a delinquent child  
25 must have been previously placed in a treatment facility  
26 outside the child's home.

27 Language which currently prevents a finding that a child is  
28 truant from being used as the sole basis for a child in need  
29 of assistance petition is deleted under the bill. The bill  
30 also adds the knowing encouragement of a child to be truant or  
31 the allowing of a person's residence to be used to facilitate  
32 the truancy of a child to those acts which are prohibited as  
33 contributing to the delinquency of a minor. A person who  
34 violates the prohibitions against contributing to the  
35 delinquency of a minor is guilty of a simple misdemeanor. The

1 punishment applicable to a simple misdemeanor is imprisonment  
2 not to exceed 30 days or a fine of at least \$50 but not  
3 exceeding \$100. The bill nullifies the state mandate  
4 requirement as it applies to the new provisions relating to  
5 truancy and contributing to truancy.

6 The bill appropriates \$2.5 million to the community grant  
7 fund for additional grants for juvenile crime prevention  
8 programs established by cities, counties, or entities  
9 organized under Code chapter 28E. The bill appropriates an  
10 additional \$943,528 to the department of human services for  
11 adolescent tracking and monitoring and an additional  
12 \$1,194,464 to the department for child and family services  
13 which provide community treatment programs for youth. The  
14 bill appropriates a total of \$640,000 of additional matching  
15 funds to the department of human services, for child and  
16 family services, and for school districts for school-based  
17 supervision by those entities. The bill appropriates \$2.8  
18 million of additional matching funds for 111 highly structured  
19 juvenile program beds. An additional \$1.6 million is  
20 appropriated for construction of a 24-bed unit for violent  
21 offenders at the Eldora state training school. The amount of  
22 \$500,000 is appropriated to the department of education for  
23 purposes of awarding grants to family resource center  
24 demonstration programs under Iowa Code chapter 256C. An  
25 additional \$500,000 is appropriated for 10 new juvenile court  
26 officers. The bill appropriates an additional \$200,000 for  
27 purposes of providing educational programs at the Eldora state  
28 training school and the Iowa juvenile home at Toledo which  
29 focus on the prevention of sexual abuse and the development of  
30 positive social interaction skills.

31 The legislative council is requested, under the bill, to  
32 establish an interim study committee to consider whether a  
33 separate state department for youth services should be  
34 established.

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