

REPRINTED

FILED FEB 11 1997

SENATE FILE 123
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 33)

(P.1152)

(P.358)

Passed Senate, Date 2.24.97 Passed House, Date 4-10-97

Vote: Ayes 46 Nays 0 Vote: Ayes 98 Nays 0

Approved May 1, 1997

A BILL FOR

1 An Act relating to runaway children, by defining when a child is
2 a chronic runaway, authorizing county runaway treatment plans,
3 and providing for assessment and treatment procedures for
4 chronic runaways.

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

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SENATE FILE 123

S-3074

1 Amend Senate File 123 as follows:

2 1. Page 2, line 2, by inserting after the word
3 "away." the following: "A center shall at least meet
4 the requirements established for providing child
5 foster care under chapter 237."

By O. GENE MADDOX

S-3074 FILED FEBRUARY 24, 1997

ADOPTED:

2.24.97 (R 352)

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1 Section 1. Section 232.2, Code 1997, is amended by adding
2 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 any year.

6 Sec. 2. Section 232.19, subsection 1, paragraph c, Code
7 1997, 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 the
15 child is a chronic runaway and the county has an approved
16 county runaway treatment plan, placed in a runaway assessment
17 and counseling center under section 232.196.

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

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

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

31 1. As part of a county runaway treatment plan under
32 section 232.195, a county may establish a runaway assessment
33 and treatment center or other plan. The center or other plan,
34 if established, shall provide services to assess a child who
35 is referred to the center or plan for being a chronic runaway

1 and intensive family counseling services designed to address
2 any problem causing the child to run away.

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

11 b. If a runaway is placed in a treatment center according
12 to a county plan, the runaway shall be assessed within twenty-
13 four hours of being placed in the center by a center counselor
14 to determine the following:

15 (1) The reasons why the child is a runaway.

16 (2) Whether the initiation or continuation of child in
17 need of assistance or family in need of assistance proceedings
18 is appropriate.

19 c. As soon as practicable following the assessment, the
20 child and the child's parents, guardian, or custodian shall be
21 provided the opportunity for a counseling session to identify
22 the underlying causes of the runaway behavior and develop a
23 plan to address those causes.

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

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EXPLANATION

1 This bill provides for the development of county plans to
2 address problems regarding chronic runaway children.

3 The bill defines chronic runaway as a juvenile who is
4 reported to law enforcement as a runaway more than once in any
5 month or three or more times in any year which consists of 12
6 consecutive months per Code section 4.1, subsection 40. The
7 bill authorizes a peace officer to take a juvenile into
8 custody to determine whether the juvenile should be returned
9 home or placed in shelter care or in a runaway assessment and
10 counseling center. A county may develop a runaway assessment
11 and counseling center as part of a plan to address the
12 problems of runaways in the county. A county which develops
13 such a plan may apply to the department of human services for
14 funding.

15 A runaway assessment and treatment center, if established,
16 shall provide services to assess and address the problem
17 causing a juvenile to run away from home. A juvenile may not
18 be held in a center for more than 48 hours. The juvenile and
19 the juvenile's parents are to have a short counseling session
20 to address the problem causing the running away prior to the
21 juvenile being released from the center. Failure to attend
22 counseling may lead to the filing of a child in need of
23 assistance petition.

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SENATE FILE 123
FISCAL NOTE

A fiscal note for Senate File 123 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.

Senate File 123 provides for the development of county plans to address problems regarding chronic runaways, defines chronic runaway, allows determination of appropriate placement, allows a participating county to apply to the Department of Human Services (DHS) for funding, requires that a juvenile may not be held for longer than 48 hours, requires counseling prior to release, and allows filing of a Child in Need of Assistance (CINA) petition if counseling is not attended by the child's parents or guardian.

ASSUMPTIONS

1. Approximately 3,600 of the 9,000 to 10,000 runaways each year would be classified as chronic and referred to a Runaway Assessment Center.
2. It is unknown how many communities will choose to develop a Runaway Assessment Center without an appropriation for financial assistance. All estimates in this Fiscal Note are maximums applicable if all chronic runaways are referred to a Runaway Assessment Center. The minimum would be zero if no communities choose to participate.
3. Up to 25.0% of the youths in a Runaway Assessment Center would be referred to the DHS for a child abuse investigation/assessment.
4. Approximately 50.0% of those assessed at a Runaway Assessment Center would be referred to on-going family centered services. There is no increased appropriation for family centered service caseloads anticipated as a result of the referrals.
5. Development of Runaway Assessment Centers in participating communities will take between six and nine months.
6. Current licensing regulations would apply to Runaway Assessment Centers providing more than 20 days of service to a non-related person in a calendar year.
7. Without an appropriation to the DHS specifically dedicated to Runaway Assessment Centers, it is unlikely that the Department would have funds available to assist communities in development of the Centers.
8. The Bill does not specify an increase in staff to the DHS. The Department estimates a potential requirement of up to 32.0 FTE positions if all 3,600 runaways are referred to a Runaway Assessment Center and referred to DHS as estimated above. If additional staff are not allocated for the predicted 263 cases per month increase in family centered services in FY

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1998 and 1,613 cases per month in FY 1999, there will not be adequate staff to handle the caseloads in an effective manner.

9. Local governments would be responsible for providing office space for any additional field staff added as a result of this legislation.

FISCAL IMPACTSF 123 Fiscal Impact
(dollars in thousands)

	<u>Fiscal Year 1998</u>	<u>Fiscal Year 1999</u>
<u>REVENUE</u>		
Federal Funds	\$ <u>632</u>	\$ <u>3,184</u>
<u>EXPENDITURES</u>		
Salaries	\$ 1,223	\$ 1,223
Support	138	25
Family Center		
Services	<u>1,450</u>	<u>8,890</u>
Total	\$ <u>2,811</u>	\$ <u>10,138</u>
<u>NET STATE COST</u>	\$ <u>2,179</u>	\$ <u>6,954</u>

SOURCES

Department of Human Services

(LSB 1127SV, MMB)

FILED FEBRUARY 19, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

1 Section 1. Section 232.2, Code 1997, is amended by adding
2 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 any year.

6 Sec. 2. Section 232.19, subsection 1, paragraph c, Code
7 1997, 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 the
15 child is a chronic runaway and the county has an approved
16 county runaway treatment plan, placed in a runaway assessment
17 and counseling center under section 232.196.

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

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

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

31 1. As part of a county runaway treatment plan under
32 section 232.195, a county may establish a runaway assessment
33 and treatment center or other plan. The center or other plan,
34 if established, shall provide services to assess a child who
35 is referred to the center or plan for being a chronic runaway

1 and intensive family counseling services designed to address
2 any problem causing the child to run away. A center shall at
3 least meet the requirements established for providing child
4 foster care under chapter 237.

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

13 b. If a runaway is placed in a treatment center according
14 to a county plan, the runaway shall be assessed within twenty-
15 four hours of being placed in the center by a center counselor
16 to determine the following:

17 (1) The reasons why the child is a runaway.

18 (2) Whether the initiation or continuation of child in
19 need of assistance or family in need of assistance proceedings
20 is appropriate.

21 c. As soon as practicable following the assessment, the
22 child and the child's parents, guardian, or custodian shall be
23 provided the opportunity for a counseling session to identify
24 the underlying causes of the runaway behavior and develop a
25 plan to address those causes.

26 d. A child shall be released from a runaway assessment and
27 treatment center, established pursuant to the county plan, to
28 the child's parents, guardian, or custodian not later than
29 forty-eight hours after being placed in the center unless the
30 child is placed in shelter care under section 232.21 or an
31 order is entered under section 232.78. A child whose parents,
32 guardian, or custodian failed to attend counseling at the
33 center or who fails to take custody of the child at the end of
34 placement in the center may be the subject of a child in need
35 of assistance petition or such other order as the juvenile

1 court finds to be in the child's best interest.

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H-1660

SENATE FILE 123

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1 Amend Senate File 123, as amended, passed, and
2 reprinted by the Senate, as follows:

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3 1. Page 1, by striking lines 20 through 22 and
4 inserting the following: "problems with chronic
5 runaway children in the county. The plan shall
6 identify the problems with".

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7 2. Page 1, by striking lines 25 through 28 and
8 inserting the following: "a runaway assessment and
9 counseling center."

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H-1660 FILED APRIL 9, 1997

By LAMBERTI of Polk

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*Adopted 4-10-97
(P1152)*

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HOUSE AMENDMENT TO
SENATE FILE 123

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S-3463

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1 Amend Senate File 123, as amended, passed, and
2 reprinted by the Senate, as follows:

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3 1. Page 1, by striking lines 20 through 22 and
4 inserting the following: "problems with chronic
5 runaway children in the county. The plan shall
6 identify the problems with".

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7 2. Page 1, by striking lines 25 through 28 and
8 inserting the following: "a runaway assessment and
9 counseling center."

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RECEIVED FROM THE HOUSE

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S-3463 FILED APRIL 10, 1997

*Senate concurred
4/22/97 (p.1323)*

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SENATE FILE 123

AN ACT

RELATING TO RUNAWAY CHILDREN, BY DEFINING WHEN A CHILD IS A CHRONIC RUNAWAY, AUTHORIZING COUNTY RUNAWAY TREATMENT PLANS, AND PROVIDING FOR ASSESSMENT AND TREATMENT PROCEDURES FOR CHRONIC RUNAWAYS.

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

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

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

Sec. 2. Section 232.19, subsection 1, paragraph c, Code 1997, is amended to read as follows:

c. ~~By a peace officer for the purpose of reuniting a child with the child's family or removing the child to a shelter care facility,~~ when the peace officer has reasonable grounds to believe the child has run away from the child's parents, guardian, or custodian, for the purposes of determining whether the child shall be reunited with the child's parents, guardian, or custodian, placed in shelter care, or, if the child is a chronic runaway and the county has an approved county runaway treatment plan, placed in a runaway assessment and counseling center under section 232.196.

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

A county may develop a runaway treatment plan to address problems with chronic runaway children in the county. The plan shall identify the problems with chronic runaway children in the county and specific solutions to be implemented by the county, including the development of a runaway assessment and counseling center.

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

1. As part of a county runaway treatment plan under section 232.195, a county may establish a runaway assessment and treatment center or other plan. The center or other plan, if established, shall provide services to assess a child who is referred to the center or plan for being a chronic runaway and intensive family counseling services designed to address any problem causing the child to run away. A center shall at least meet the requirements established for providing child foster care under chapter 237.

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

b. If a runaway is placed in a treatment center according to a county plan, the runaway shall be assessed within twenty-four hours of being placed in the center by a center counselor to determine the following:

(1) The reasons why the child is a runaway.

(2) Whether the initiation or continuation of child in need of assistance or family in need of assistance proceedings is appropriate.

c. As soon as practicable following the assessment, the child and the child's parents, guardian, or custodian shall be provided the opportunity for a counseling session to identify the underlying causes of the runaway behavior and develop a plan to address those causes.

d. A child shall be released from a runaway assessment and treatment center, established pursuant to the county plan, to the child's parents, guardian, or custodian not later than