

# Senate Study Bill 1034

## Bill Text

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1 1 Section 1. Section [232.2](#), subsection 5, Code 2001, is  
1 2 amended to read as follows:  
1 3 5. "Child" means a person under eighteen years of age.  
1 4 For purposes of placement in detention under section 232.22,  
1 5 "child" also means a person who has been adjudicated  
1 6 delinquent and remains within the jurisdiction of the court  
1 7 under section 232.53, or who is eighteen years of age and  
1 8 meets the definition of a delinquent juvenile in section  
1 9 232.171, article III.

1 10 Sec. 2. Section [232.22](#), subsection 1, unnumbered paragraph  
1 11 1, Code 2001, is amended to read as follows:

1 12 A child, who for purposes of this section includes a person  
1 13 eighteen years of age or older as defined in section 232.2,  
1 14 subsection 5, shall not be placed in detention unless one of  
1 15 the following conditions is met:

1 16 Sec. 3. Section [234.35](#), subsection 3, Code 2001, is  
1 17 amended to read as follows:

1 18 3. Payment for foster care services provided to a child  
1 19 who is eighteen years of age or older shall be limited to the  
1 20 following:

1 21 a. For a child who is eighteen years of age, family foster  
1 22 care, group foster care, or independent living arrangements.

1 23 b. For a child who is nineteen years of age, independent  
1 24 living arrangements.

1 25 c. For a child who is at imminent risk of becoming  
1 26 homeless or failing to graduate from high school or to obtain  
1 27 a graduate equivalency diploma, or to complete a treatment  
1 28 program, if the services are in the child's best interests,  
1 29 funding is available for the services, and an appropriate  
1 30 alternative service is unavailable.

1 31 EXPLANATION

1 32 This bill relates to a person 18 years of age or older  
1 33 within the jurisdiction of the juvenile court.

1 34 The bill provides that a person 18 years of age or older  
1 35 may be placed in detention if the juvenile court has  
2 1 jurisdiction over the person under Code section 232.53. The  
2 2 bill provides that a person 18 years of age may be placed in  
2 3 detention if the juvenile court has jurisdiction pursuant to  
2 4 the juvenile interstate compact in Code section 232.171.  
2 5 Generally, the juvenile court has jurisdiction over a person  
2 6 until the person reaches the age of 18. However, the juvenile  
2 7 court may maintain jurisdiction for a period of time after the  
2 8 age of 18, if the person committed a delinquent act just prior  
2 9 to reaching the age of 18, or if the person is eligible for  
2 10 services or if the person is from another state that has  
2 11 different jurisdictional requirements.

2 12 The bill also provides that the department of human  
2 13 services may pay for group foster care services for a person  
2 14 who is 18 years of age. The bill permits the department to  
2 15 pay for a treatment program until completion for a person who  
2 16 is 18 years of age or older.

2 17 LSB 1256DP 79

2 18 jm/pj/5