

House File 2134 - Introduced

HOUSE FILE 2134
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 513)

A BILL FOR

1 An Act relating to the placement of a child who is the subject
2 of a pending delinquency petition in a supervised apartment
3 living arrangement pursuant to a consent decree, and the
4 circumstances under which the placement is paid by the
5 state.

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

1 Section 1. Section 232.46, subsection 1, paragraph a,
2 subparagraph (5), Code 2024, is amended to read as follows:

3 (5) Placement of the child in a group or family foster care
4 setting or a supervised apartment living arrangement, if the
5 court makes a determination that such a placement is the least
6 restrictive option.

7 Sec. 2. Section 234.35, subsection 1, Code 2024, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *0e.* When a court has entered an order
10 transferring the legal custody of the child to a supervised
11 apartment living arrangement pursuant to section 232.46,
12 subsection 1, paragraph "a", subparagraph (5). However,
13 payment shall not be made for a supervised apartment living
14 arrangement unless the supervised apartment living arrangement
15 meets requirements as established by the department by rule.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the placement of a child who is the
20 subject of a pending delinquency petition in a supervised
21 apartment living arrangement pursuant to a consent decree, and
22 the circumstances under which the placement is paid by the
23 state.

24 Under current law, any time after a petition is filed
25 alleging a child has committed a delinquent act and prior to
26 the entry of an order adjudicating the matter, a court may
27 suspend the proceedings on motion of the county attorney or
28 the child's counsel, enter a consent decree, and continue the
29 case under terms and conditions established by the court in
30 the consent decree. A court may select any combination of the
31 following terms of a consent decree: prohibit the child from
32 driving a motor vehicle for a specified period of time or under
33 specific circumstances; require supervision of the child by a
34 juvenile court officer or other agency or person designated by
35 the court; require the child to perform a work assignment of

1 value to the state or to the public; require the child to make
2 restitution consisting of a monetary payment to a victim or a
3 work assignment directly of value to the victim; or place the
4 child in a group or family foster care setting funded by the
5 department of health and human services (HHS), if the court
6 determines that is the least restrictive option.

7 The bill allows a court to place a child in a supervised
8 apartment living arrangement as a condition of a consent decree
9 if the court makes a determination that such a placement is the
10 least restrictive option.

11 The bill makes HHS responsible for the payment of foster care
12 services if a child is placed in a supervised apartment living
13 arrangement as a condition of a consent decree, provided that
14 such supervised apartment living arrangement meets requirements
15 as established by HHS by rule.