



Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group

Action Plan and Recommendations (Summary)

Pursuant to House File 766, Division VII

**Presentation to the
Health and Human Services
and
Justice System
Appropriations Subcommittees**

February 25, 2020

Presenters:

**Steve Michael, Division Administrator
Department of Human Rights
Division of Criminal and Juvenile Justice Planning**

**Kelly Garcia, Director
Department of Human Services**

**Todd Nuccio, State Court Administrator
Judicial Branch**

Iowa Department of Human Rights,
Division of Criminal and Juvenile
Justice Planning

Steve Michael, Administrator
321 E. 12th Street
Des Moines, IA 50319
(515) 242-5823
<https://humanrights.iowa.gov>



Background

On April 22, 2019, the Iowa Legislature passed House File 766 (signed on May 3, 2019, by Governor Reynolds) including Division VII: Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group. The bill directed the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) to convene and facilitate a Work Group to review and develop a plan to transfer the administration of Graduated Sanction and Court-Ordered Services and funding and the oversight of Group Foster Care placements for eligible children from the Department of Human Services (DHS) to State Court Administration (SCA). The plan was to ensure that SCA has the capacity, resources, and expertise to manage the funding and services effectively.

CJJP was directed to submit a report of the findings and recommendations of the Work Group, including a plan to implement the recommendations by July 1, 2021, to the Governor and the General Assembly by December 15, 2019.

Specifically, the Work Group was asked to do all of the following:

1. Develop an action plan to transfer the administration of Graduated Sanction and Court-Ordered Services, and associated funding from DHS to SCA or other appropriate state entity;
2. Develop an action plan to transfer the oversight of Group Foster Care Services from DHS to SCA or other appropriate state entity;
3. Develop and action plan to transfer administration of the Juvenile Detention Home Fund from DHS to SCA or other appropriate state entity;
4. Evaluate current resources to determine the most efficient means of suitably equipping SCA or other appropriate state entity with the legal authority, staffing, contracting, procurement, data, quality assurance capabilities, and other resources needed to manage the funds and services;
5. Recommend statutory and administrative policies and court rules to promote collaborative case planning and quality assurance between DHS and Juvenile Court Services (JCS) for youth involved in both the child welfare and juvenile justice systems;
6. Determine the impact and role of the federal Family First Prevention Services Act (FFPSA) relative to the various funding streams and services under the purview of the Work Group, and recommend statutory and administrative policies and rules to coordinate the duties of the Work Group with implementation and administration of the federal Act;
7. Determine the role of the Decategorization of Child Welfare and Juvenile Justice Funding Initiative (Decat) relative to other funding streams and services under the purview of the Work Group, and make recommendations regarding the future of the initiative, including potential transfer of the initiative from DHS to SCA or other appropriate state entity; and
8. Consult with other state juvenile court systems and subject matter experts to review administration of similar programs, to glean information on lessons learned and best practices, and to determine the types of community and residential services that have demonstrated effectiveness for eligible children.

A copy of the Report and Appendices can be found here: <https://humanrights.iowa.gov/cjip>

MEMBERS OF THE GRADUATED SANCTION, COURT-ORDERED, AND GROUP FOSTER CARE SERVICES AND FUNDING WORK GROUP

**Steve Michael, Co-Chair
Administrator
Division of Criminal & Juvenile Justice Planning**

**Todd Nuccio, Co-Chair
State Court Administrator
State Court Administration**

Andrew Allen, CEO
Youth and Shelter Services (YSS)

Kodi Baughman, FTDM-YTDM Facilitator
Children & Families of Iowa

Felicia Carter, Prevention Educator
Pathway's Behavioral Services

Kelly Cox, Contract Accountant
Juvenile Court Services

Kent Farver, Director of Finance
State Court Administration

Patrick Garcia, Executive Director
Boys Town Iowa

Senator Julian Garrett
Senate District 13

John Goerdt, Deputy State Court Administrator
State Court Administration

Jim Hennessey, Administrator
Child Advocacy Board

Stephanie Hernandez, Director
Family Resources, Inc.

Scott Hobart, Chief Juvenile Court Officer
7th Judicial District

Cheryl Johnson, Vice President
Children & Families of Iowa

Gretchen Kraemer, Director, DHS Division
Office of the Attorney General

Representative Ann Meyer
House District 9

Gary Niles, Chief Juvenile Court Officer
3rd Judicial District

Omar Ordaz, Former System Youth

Senator Amanda Ragan
Senate District 27

Jana Rhoads, Administrator
Adult, Children, & Family Services
Department of Human Services

Dawn Schott, Director
Linn County Juvenile Detention & Diversion Services

Tom Southard, Retired Chief Juvenile Court Officer

Representative Kristin Sunde
House District 42

Cheryl Traum, District Associate Judge
7th Judicial District

Andrea Vitzthum, Assistant Polk County Attorney
Polk County Attorney's Office

Jeff Wallace, Program Manager
Safer Foundation

Paul White, Des Moines Juvenile Public Defender
Des Moines Juvenile Public Defender's Office

Emily Willits, Director
Licensing & Administrative Law Division
Office of the Attorney General

Doug Wolfe, Transition Program Planner
Department of Human Services

Work Group and Subcommittees

After House File 766 passed, a Work Group was quickly but mindfully assembled to include each of the representatives required by the bill and the expertise needed to successfully complete its tasks.

Beginning in July of 2019, the Work Group met monthly to conduct a comprehensive, informed, data-driven discussion regarding the transfer of juvenile justice funds from DHS. Over the course of six meetings, Work Group members reviewed state law, administrative policies, and court rules while collecting additional information from stakeholders regarding the needs of Iowa's youth in the juvenile justice system.

After its initial meeting, the Work Group determined that it would also assemble three subcommittees comprised of Work Group members and additional stakeholders and subject-matter experts:

- Detention Home Fund Subcommittee
- Graduated Sanction Subcommittee
- Group Care Subcommittee

The Work Group received input and guidance from the subcommittees. In addition, national experts provided technical assistance. Josh Weber, Program Director from the Council on State Governments Justice Center (CSG), conducted an assessment and comprehensive recommendations as part of Iowa's Juvenile Justice System Improvement initiative. Recommendations included reducing the use of services for low-risk youth, utilizing services tailored for juvenile justice youth to address criminogenic needs, and for Juvenile Court Services to have oversight, control, and accountability for community-based services.

The Work Group also received ongoing expertise from Tessa Upin, Jennifer Christie, and Frank Stiefel of the Crime and Justice Institute regarding:

- state examples on matching programming and treatment to risk level;
- state examples on funding structures for evidence-based community-based services;
- state examples of group care funding structures and services; and
- implementing evidence-based programs and practices.

Disclaimers:

State Court Administration (SCA) is not seeking the transfer of Graduated Sanction or Group Care dollars to its office. However, pursuant to the directives of House File 766, SCA has identified the additional resources needed if the Legislature determines that the funds should transfer to SCA for oversight and administration.

Although DHS acknowledges the legislation requires a transition plan to accomplish the transition by 2021, should the legislature approve, DHS joins the Work Group in recommending transition by 2023.

RECOMMENDATIONS

Detention Home Fund

Juvenile detention homes are facilities that provide secure, short-term housing to youth under the age of 18 who are awaiting court hearings and proceedings, or awaiting placement in group foster care. There are nine juvenile detention homes in Iowa. The Detention Home Fund was established to provide state assistance to juvenile detention homes for reimbursement of operation expenses. Fees collected by the Department of Transportation under Iowa Code section 321.218A, including civil penalties for driver's license suspensions and revocations, are deposited into the fund. These collected funds are then allocated among the state's juvenile detention homes. Iowa Code requires reimbursement for at least 10% but not more than 50% of the total costs related to the establishment, improvement, operation, and maintenance of the homes. The Detention Home Fund is currently administered by the Department of Human Services.

Work Group Recommendations

- Administration of the Iowa Detention Home Fund (approximately \$4 million annually) transfer from the Department of Human Services (DHS) to the Department of Human Rights (DHR), Division of Criminal and Juvenile Justice Planning (CJJP), and an additional appropriation of \$20,000 to CJJP annually to administer the fund.
- Modify the reimbursement formula for the juvenile detention homes to be:
 - Base amount of \$100,000 to each detention home
 - Remaining distribution will be an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the preceding fiscal year.

Legislation

SF 2279 – Filed by Senator Ragan, modifies Iowa Code section 232.142 that establishes the Iowa Detention Home Fund. The bill transfers the responsibility for the fund from DHS to DHR CJJP. The bill also modifies the reimbursement formula to the detention centers, and appropriates \$20,000 to CJJP to manage and administer the fund. (**Attachment A**)

Quality Assurance Process

Continuous Quality Improvement

Continuous Quality Improvement (CQI) involves activities intended to ensure that an organization is providing the best possible service and engaging in the best possible practices. With CQI, organizations define and implement those services and practices, collect and analyze relevant information and use data to inform service and practice improvements. CQI is cyclical and ongoing.

Institute a CQI Process

SCA /JCS will develop activities to ensure that the best possible services and practices are in place, including collecting and analyzing relevant information and use data to inform service and practice improvements.

While there are a variety of models for CQI, the Pennsylvania Commission on Crime and Delinquency has created the “Continuous Quality Improvement Guide for Juvenile Justice Organizations”, which lays out the process specific to juvenile justice services. It outlines the elements required to establish organizational readiness and provides a framework for conducting CQI:

Data-Driven Tools

Iowa currently has tools that will be the foundation for the CQI work:

Standardized Program Evaluation Protocol (SPEP)TM – A validated, data driven rating instrument for determining how well an existing service matches research evidence for the effectiveness of that particular type of intervention in terms of reducing the recidivism of juvenile offenders. Simply put, the SPEP serves as a practical way to evaluate services for juvenile offenders in a standardized, scientific, and sustainable manner.

Iowa Delinquency Assessment (IDA) – A validated risk assessment tool that is a best practice. The short form IDA is used primarily to assess a youth’s risk to reoffend, while the long form IDA is intended for case planning purposes and identifies needs within twelve different domain areas. The information collected in the IDA allows Juvenile Court Services to:

- direct the youth to appropriate services,
- assist in monitoring progress in reducing risk factors, and
- uses a common language in discussing issues affecting youth and their families.

Effective Practices in Community Supervision (EPICS) – This evidence-based model guides JCOs to be more directive in their interactions with youth that includes risk reduction activities and acute targeting of risk factors, rather than a primarily compliance-based interaction. The targeted activities with youth around their particular risk factors, circumstances and actual anticipated scenarios from their own lives, as well as work on their motivation, will help them be more successful after probation and/or placement.

Funding and Resources Needed for CQI

SCA needs two (2) FTE positions devoted to overseeing CQI. These positions are included in the request for funding for Graduated Sanction and Group Care appropriations. These Internal Auditor positions will serve as full time Quality Assurance / Model Fidelity Coordinators to ensure that programs utilized by providers across the state are adhering to best practices and to provide guidance and coaching in support of evidence-based or other high-quality services. The cost for each position is \$96,348.11.

Graduated Sanction and Court-Ordered Services

Graduated Sanction Services is defined as “community-based interventions, school-based supervision, and supportive enhancements provided in community-based settings to an eligible child who is adjudicated delinquent or who is at risk of adjudication.” Court-Ordered Services “means the defined or specific care and treatment that is ordered by the court for an eligible child and for which no other payment source is available to cover the cost.”

The Work Group has considered the merit of transferring oversight of these funds, and has also identified the resources, policies, legal authority, staffing, contracting, procurement, data, and quality assurance capabilities needed for an agency to effectively administer Graduated Sanction and Court-Ordered Services.

Work Group Recommendations

- Transfer the funds and administration of Graduated Sanction and Court-Ordered services from DHS to SCA on July 1, 2021 (FY2022). The appropriation for these services is currently \$15,543,000.
- Extend the life of funds to two years, to ensure that the Graduated Sanction and Court-Ordered Services funds are utilized appropriately and to maximize funding to best serve Iowa’s youth.
- SCA will require additional resources beginning on July 1, 2020 (FY2021) to build the capacity to provide the necessary contracting, procurement, data, and quality assurance capabilities to manage the funds and services:

\$ 31,242.49	annually for 0.3 Assistant Legal Counsel
\$ 96,348.11*	annually for 1.0 Internal Auditor (Quality Assurance Coordinator)
\$ 20,000.00	annually for administrative costs (software, travel, training, etc.)
\$147,590.60	TOTAL

*Cost also listed in the Continuous Quality Improvement recommendation

Group Foster Care

Group Foster Care offers a safe and protective structured living environment for youth who are considered unable to live in a family situation, but are able to interact in a community environment with varying degrees of supervision. Group Foster Care is utilized for juveniles who have been adjudicated to be either delinquent or as a child in need of assistance, serving both the juvenile justice and child welfare populations.

The Work Group has considered the merit of transferring the oversight of Group Foster Care for delinquent youth, and has also identified the resources, policies, legal authority, staffing, contracting, procurement, data, and quality assurance capabilities needed for an agency to effectively administer and oversee the program and funds.

Because Group Foster Care encompasses both child welfare youth and juvenile justice youth, the respective responsible entities – DHS and SCA – will need to work together to create a process to determine the percentage of Group Foster Care funds that should remain with DHS for child welfare youth and the percentage of funds that should be transferred to SCA for juvenile justice youth.

Work Group Recommendations for Group Foster Care

- The Work Group recommends that administration of Group Foster Care funds for juvenile offenders transfer from DHS to SCA on July 1, 2023. The Work Group acknowledges that this timeline does not comport with the 2021 deadline set forth in HF766, but believes that the deviation is needed to responsibly transfer the funds without disrupting safe and effective Group Care services to Iowa's youth.
- In order to effectively administer Group Care services and funds for juvenile justice youth, SCA will need additional staff and resources. Additional funds should be added to the Group Care appropriation to meet these needs; the funds should not be added to the general Judicial Branch appropriation.
- Funding is needed beginning July 1, 2020, and will increase progressively until the transfer on July 1, 2023. If the Group Care appropriation is not increased by this amount annually, SCA will have to take these funds from the current Group Care funds, which will directly take money away from Group Foster Care services. In addition to the Group Foster Care appropriation, these additional funds are needed by SCA for appropriate administration of the services:

FY2021	\$ 52,070.81	0.5 FTE Assistant Legal Counsel
	<u>\$ 20,000.00</u>	Administrative costs
	\$ 72,070.81	Total FY2021

FY2022	\$ 52,070.81	0.5 Assistant Legal Counsel
	\$ 69,777.11	1.0 Accountant/Auditor (Quality Assurance)
	\$ 82,806.89	1.0 Project Manager
	<u>\$ 20,000.00</u>	Administrative costs
	\$224,654.81	Total FY2022

FY2023	\$ 52,070.81	0.5 Assistant Legal Counsel
and beyond	\$ 69,777.11	1.0 Accountant/Auditor
	\$ 69,777.11	1.0 Accountant/Auditor
	\$ 82,806.89	1.0 Project Manager
	\$ 82,806.89	1.0 Project Manager
	\$ 96,348.11*	1.0 Internal Auditor (Quality Assurance Coordinator)
	<u>\$ 20,000.00</u>	Administrative costs
	\$473,586.92	Total FY2023 and beyond

*Cost also listed in the Continuous Quality Improvement recommendation

Memorandum of Understanding

State Court Administration (SCA) and the Department of Human Services (DHS) recognize that through a collaborative effort, additional improvements in processes and policies can be accomplished. A Memorandum of Understanding (MOU) will be agreed upon by June 30, 2020, to develop strategies for these improvements. The following topics were identified as points for discussion:

- A plan and process for SCA and DHS to seek reimbursement from the federal government with Family First Prevention Services Act (Family First) for juvenile justice youth who are at risk of entering foster care placement. Ongoing cooperation is needed between SCA/JCS and DHS to maximize draw-down opportunities for federal funds, including those identified in Family First for juvenile justice candidates for foster care.
- A plan for collaborative case planning and quality assurance for crossover youth who are involved or who become involved in both the child welfare system and juvenile justice system.
- If the transfer of funding occurs, DHS and SCA/JCS will develop a plan for the orderly transition of Graduated Sanction and Group Care Funds including fiscal oversight, contracting, service matching, and implementation of evidence-based practices.
- Under the current Group Foster Care contracts, which will be in effect through June 30, 2023, interim changes have been requested by SCA to improve outcomes for juvenile justice youth in Group Care, including:
 - Increased decision-making authority for Juvenile Court Services for initial placement of delinquent youth, and decisions on subsequent placements, if necessary;
 - A plan to ensure that treatment services from providers are designed to reduce criminogenic risk and needs with a focus on evidence-based practices;
 - A plan to work with providers to separate, to the extent possible, youth with high criminogenic needs from those with lower criminogenic needs and those living with trauma, intellectual disabilities, and serious emotional disorders; and
 - A plan to establish appropriate levels of care for high-risk delinquent girls, with input from group care providers interested in serving this population.
- Graduated Sanction Services and Group Foster Care – DHS will continue to provide administration, which includes fiscal, and contracting oversight, of the Graduated Sanction Services and Group Foster Care until a transfer to SCA possibly occurs.

Policy Recommendations

Decategorization (Decat) funds remain with DHS and that no changes be made to either the oversight or use of those funds. Decat has functioned to safely keep youth in their homes (preventing placement) by providing additional community-based services. The Work Group concludes that these funds are being utilized effectively and that the collaboration it encourages between child welfare and juvenile justice stakeholders is to the benefit of Iowa's youth.

Focus on Moderate- and High-Risk Youth. The Work Group recommends that SCA create policies that will increase the use of community-based services while maintaining public safety. Policies must be research- and data-driven, support evidence-based programs, and include quality assurance to ensure that programming and treatment are appropriately matched to a youth's assessed risk-level and criminogenic needs. National research and best practice has shown that programming and treatment are most effective when they are targeted at the highest risk youth.

Invest in Evidence-Based Practices. The Work Group acknowledges that services that are evidence-based are expensive but believes these services yield a high return on investment. The implementation of evidence-based program and best practices has associated costs, training requirements, and issues related to fidelity. These issues are compounded by implementation in rural, metro, and urban jurisdictions. SCA should consider the utilization of state-level, standardized contracts to ensure fidelity to such programs and provide standardization related to implementation. State-level contracts may provide a level of efficiency to the implementation of services and relieve providers from responding to proposal requests from multiple judicial districts for the same service. The Work Group recommends including providers in conversations and policy-making regarding evidence-based programming and best practices in order to ensure appropriate reimbursement to providers in light of the increased up-front cost.

Provide Gender-Responsive Services for Deep-End Girls. The Work Group recognizes a crucial need for gender-responsive services. Girls make up 20% to 30% of the Iowa's juvenile justice system. Their numbers make it difficult to develop and implement programs. Their needs must be accommodated in state and local planning for Graduated Sanction funding. The Iowa Girls Justice Initiative, a planning group that met from 2015-17, provided recommendations to be implemented and guided by best practices.

Provide Culturally-Appropriate Services for Youth of Color and Continue Work on Racial and Ethnic Disparities. The Work Group recognizes a crucial need for culturally-appropriate services to provide an equitable continuum of care for all youth. Youth of color, particularly African-American youth, are overrepresented in all aspects of decision-making in Iowa's juvenile justice system. African-American youth are arrested at a rate nearly five times higher than White youth. Their recidivism rates are higher than White youth. Iowa's Juvenile Justice Systems Improvement (JJSI) project's recommendations should be considered in the administration of Graduated Sanction funding:

- Work with the federal Office of Juvenile Justice and Delinquency Prevention and other national resource organizations with demonstrated reductions in racial and ethnic disparities to engage in an intensive process to address disparities in Iowa jurisdictions with overrepresentation
- Continue/strengthen quantitative and qualitative data collection, and utilize data to conduct root cause analyses to identify practices and factors leading to disparities
- Support/require training on implicit/explicit bias for attorneys, judges, and service providers
- Support/require training on gender responsiveness and trauma-informed care for JCOs and service providers; conduct gap analysis on programming for female youth; allocate funding accordingly.

Conclusion

Based on the information, data, and research collected and provided to the Work Group, the transfer of the oversight and administration of community-based and group care services and funding to the State Court Administrator and Juvenile Court Services will enhance the effectiveness of services for youth in the juvenile justice system. The advantages to transferring oversight include ensuring appropriate services are available, ensuring the quality and appropriateness of the services, and providing direct accountability for the services and funds.

Research shows that low-risk youth need few services and that moderate and high-risk youth need the majority of services to prevent youth from committing future offenses. The coordination of community-based and group care services for juvenile offenders will allow for a comprehensive continuum of care where the level of service matches the unique needs of juvenile offenders - from the lowest-risk to the highest-risk youth.

If implemented, the recommendations in this report will improve public safety for all Iowans and ensure that youth in the juvenile justice system are safe, healthy, successful, and prepared for adulthood.

SENATE FILE 2279

BY RAGAN

A BILL FOR

An Act relating to the placement of a child in detention and the juvenile detention home fund, and making appropriations.

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

Section 1. Section 232.22, subsection 5, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) The facility serves a geographic area outside a standard metropolitan statistical area as determined by the United States ~~census bureau~~ office of management and budget.

Sec. 2. Section 232.22, subsection 7, Code 2020, is amended to read as follows:

7. a. If the court has waived its jurisdiction over the child ~~for the alleged commission of a forcible felony offense pursuant to section 232.45 or 232.45A~~ a child age sixteen years or older is excluded from the jurisdiction of the juvenile court pursuant to section 232.8, subsection 1, paragraph "c", who is awaiting trial or other legal process, and for whom there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail, notwithstanding section 356.3. However, wherever possible the child shall be held in sight and sound separation from adult offenders. A child held in the county jail under this subsection shall have all the rights of adult postarrest or pretrial detainees. A child shall not be detained in any facility intended for the detention of adults unless the court determines that after a hearing and issuing written findings, such detention is in the best interest of the child and the community. In determining whether it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the court shall consider all of the following:

(1) The age of the child, including the child's physical and mental maturity.

(2) The present mental state of the child, including whether the child presents an imminent risk of harm to the child's self.

(3) The nature and circumstances of the alleged offense.

(4) The child's history of prior delinquent acts.

(5) The relative ability of available adult and juvenile detention

facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained children.

(6) Any other relevant factor.

b. If a court determines pursuant to paragraph "a" that it is in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the following conditions shall apply:

(1) The child shall not have sight or sound contact with adult inmates.

(2) The court shall hold a hearing, not less than once every thirty days, or in the case of a rural, nonmetropolitan jurisdiction as determined by the United States office of management and budget, not less than once every forty-five days, to review whether it is still in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults.

(3) The child shall not be detained in a facility intended for the detention of adults for more than one hundred eighty days unless the court, in writing, determines there is good cause for an extension or the child expressly waives this limitation.

(4) A child held in a county jail in a facility intended for the detention of adults under this subsection shall have all the rights of adult postarrest or pretrial detainees.

Sec. 3. Section 232.142, subsections 3 and 6, Code 2020, are amended to read as follows:

3. A county or multicounty juvenile detention home approved pursuant to this section shall receive financial aid from the state in a manner approved by the director of the department of human rights. Aid paid by the state shall be at least ten percent and not more than fifty percent of the total cost of the establishment, improvements, operation, and maintenance of the home.

6. A juvenile detention home fund is created in the state treasury under the authority of the criminal and juvenile justice planning division of the department of human rights. The fund shall consist of moneys deposited in the fund pursuant to sections 321.218A and 321A.32A. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes.

Sec. 4. JUVENILE DETENTION HOME FUND — TRANSFER OF ADMINISTRATION. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2020, and ending June 30, 2021, are appropriated to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2020, and ending June 30, 2021, for distribution as follows:

1. One hundred thousand dollars to each eligible county or multicounty juvenile detention home.

2. Any remaining funds shall be distributed in an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2019. Moneys appropriated for distribution in

accordance with this section shall be allocated among eligible juvenile detention homes, prorated on the basis of an eligible juvenile detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2019. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2020, shall be limited to the amount appropriated for the purposes of this section.

Sec. 5. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION — DEPARTMENT OF HUMAN RIGHTS — APPROPRIATION. There is appropriated from the general fund of the state to the criminal and juvenile justice planning division of the department of human rights for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the management and administration of the juvenile detention home fund created in section 232.142:

..... \$ 20,000

EXPLANATION

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

This bill relates to the placement of a child (person under the age of 18) in detention and the juvenile detention home fund, and makes appropriations.

The bill provides that if the court has waived its jurisdiction over a child pursuant to Code section 232.45 or a child age 16 or older is excluded from the jurisdiction of the juvenile court for offenses that involve the manufacture, delivery, or possession of controlled substances while in the immediate possession or control of a firearm or offensive weapon; gang activity involving firearms or offensive weapons; felonious possession of an offensive weapon; or any forcible felony, and who is awaiting trial or other legal process, and there is a serious risk that the child may commit an act which would inflict serious bodily harm on another person, the child may be held in the county jail. However, wherever possible, the child shall be held in sight and sound separation from adult offenders. A child shall not be detained in any facility intended for the detention of adults unless the court determines that after a hearing and issuing written findings it is in the best interest of the child and the community. The court shall consider the age of the child, including the child's physical and mental maturity; the present mental state of the child, including whether the child presents an imminent risk of harm to the child's self; the nature and circumstances of the alleged offense; the child's history of prior delinquent acts; the relative ability of available adult and juvenile detention facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained children; and any other relevant factor.

The bill provides that if a court determines that it is in the best

interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults, the following conditions shall apply: the child shall not have sight or sound contact with adult inmates; the court shall hold a hearing not less than once every 30 days, or in the case of a rural, nonmetropolitan jurisdiction, not less than once every 45 days, to review whether it is still in the best interest of the child and the community to permit a child to be detained in a facility intended for the detention of adults; the child shall not be detained in a facility intended for the detention of adults for more than 180 days unless the court, in writing, determines there is good cause for an extension or the child expressly waives this limitation; and a child held in a county jail in a facility intended for the detention of adults shall have all the rights of adult postarrest or pretrial detainees.

The bill transfers the management and administration of the juvenile detention home fund created in Code section 232.142 from the department of human services to the criminal and juvenile justice planning division of the department of human rights, and provides that a juvenile detention home shall receive financial aid from the state in a manner approved by the director of the department of human rights.

The bill appropriates moneys from the general fund of the state for fiscal year 2020-2021 to the criminal and juvenile justice planning division of the department of human rights for the management and administration of the juvenile detention home fund.