

CHAPTER 152**COUNTY CHARGES UNDER JUVENILE LAWS***H.F. 684*

AN ACT relating to the county juvenile justice base costs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.141, Code 1987, is amended to read as follows:
232.141 EXPENSES CHARGED TO COUNTY.

1. The following expenses upon certification of the judge to the board of supervisors or upon such other authorization as provided by law are a charge upon the county in which the proceedings are held to the extent provided in subsection 4 8.

a. The fees and mileage of witnesses and the expenses and mileage of officers serving notices and subpoenas.

b. The expenses of transporting a child to a place designated by a child placing agency for the care of a child if the court transfers legal custody to a child placing agency.

c. The expense of transporting a child to or from a place designated by the court.

d b. Reasonable compensation for an attorney appointed by the court to serve as counsel or guardian ad litem.

e. The expense of treatment or care ordered by the court under an authority of subsection 2.

2. The following expenses upon certification of the judge to the board of supervisors or upon such other authorization as provided by law are a charge upon the county identified pursuant to subsection 4 to the extent provided in subsection 8:

a. The expenses of transporting a child to a place designated by a child placing agency for the care of a child if the court transfers legal custody to a child placing agency.

b. The expense of transporting a child to or from a place designated by the court.

c. The expense of treatment or care ordered by the court under an authority of subsection 3.

2 3. If legal custody of a minor is transferred by the court, if the minor is placed by the court with someone other than the parents, or if a minor is given physical or mental examinations or treatment under order of the court, or if a minor is given physical or mental examination or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse investigation, and no provision is otherwise made by law for payment for the care, examination, or treatment of the minor, the costs shall be charged upon the funds of the county in which the proceedings are held upon certification of the judge to the board of supervisors identified pursuant to subsection 4.

4. If a minor is given physical or mental examinations or treatment with the consent of the parent, guardian, or legal custodian relating to a child abuse investigation and no other provision is otherwise made by law for payment for the examination or treatment of the minor, the costs shall be charged upon the funds of the county in which the child resides upon certification of the department to the board of supervisors. The expenses certified under subsection 2 that are the result of a court proceeding shall be a charge upon the county in which the proceedings are held. The expenses certified under subsection 2 that are the result of a child abuse investigation and not a court proceeding shall be a charge upon the county in which the child resides.

5. Except For court-ordered care, examination, and treatment authorized by this section, except where the parent-child relationship is terminated, the court may inquire into the ability of the parents to support the minor and after giving the parents a reasonable opportunity to be heard may order the parents to pay in the manner and to whom the court may direct, such sums as will cover in whole or in part the cost of care, examination, or treatment of the minor. An order entered under this section shall not obligate a parent paying child support under a custody decree, except that any part of such a monthly support payment may be used to satisfy the obligations imposed by an order entered under this section. If the parents fail

to pay the sum without good reason, the parents may be proceeded against for contempt or the court may inform the county attorney who shall proceed against the parents to collect the unpaid sums or both. Any such sums ordered by the court shall be a judgment against each of the parents and a lien as provided in section 624.23. If all or any part of the sums that the parents are ordered to pay is subsequently paid by the county, the judgment and lien shall thereafter be against each of the parents in favor of the county to the extent of the county's payments.

6. Upon the issuance of a court order for the care, examination, or treatment of a minor, the court shall furnish a copy of the court order to all providers of the care, examination, or treatment.

3 7. The county charged with the cost and expenses under subsection 1 or 2 pursuant to subsection 4 may recover the costs and expenses from the county where the child has legal settlement by filing verified claims which shall be payable as are other claims against the county. A detailed statement of the facts upon which the claim is based shall accompany the claim. Any dispute involving the legal settlement of a child for which the court has ordered payment under authority of this section shall be settled in accordance with sections 252.22 and 252.23.

4 8. Costs incurred under this section shall be paid as follows:

a. The costs incurred under the provisions of section 232.52 of prior Codes by each county for the fiscal years beginning July 1, 1975, 1976 and 1977 shall be averaged. The average cost for each county shall be that county's base cost for the first fiscal year after July 1, 1979.

b. Each county shall be required to pay for the first fiscal year after July 1, 1979 an amount equal to its base cost plus an amount equal to the percentage rate of change in the consumer price index as tabulated by the bureau of labor statistics for the current fiscal year times the base cost.

c. A county's base cost for a fiscal year plus the percentage rate of change amount as computed in paragraph "b" of this subsection shall become that county's base cost for the succeeding fiscal year. The amount to be paid in the succeeding year by the county shall be computed as provided in paragraph "b".

d. The total amounts to be paid by a county shall be computed as provided in paragraphs "a", "b", and "c". For the fiscal year beginning July 1, 1987, and subsequent fiscal years, each county's base cost shall be divided into two separate base costs, representing the costs of witness and mileage fees and attorney fees paid pursuant to subsection 1, paragraphs "a" and "b", to be reimbursed by the judicial department, and representing the costs of transportation and treatment or care paid pursuant to subsection 2, paragraphs "a", "b", and "c", to be reimbursed by the department of human services. The ratio of the separate bases for each county shall equal the ratio of expenses identified in subsection 1 to the expenses identified in subsection 2 incurred during the fiscal year beginning July 1, 1986 and ending June 30, 1987, and paid by either the county or the state. Costs incurred under provisions of this section which are not paid by the county under the provisions of paragraphs "a," "b" and "c" shall be paid by the state. The counties shall apply for reimbursement to the judicial department, which shall promulgate rules and forms to carry out the provisions of this paragraph pursuant to rules adopted by the judicial department. The counties shall apply for reimbursement to the department of human services pursuant to rules adopted by the department.

Sec. 2. Section 602.1302, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department shall reimburse counties for the costs of witness and mileage fees and for attorney fees paid pursuant to section 232.141, subsection 1.

Approved May 27, 1987