

---

## LEGAL UPDATE

Legal Services Division



---

Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

### TRANSFER OF JUVENILE JUSTICE SERVICES AND FUNDING WORK GROUP — SEPTEMBER 19, 2019

**Purpose.** *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

**Date and Location.** The Transfer of Juvenile Justice Services and Funding Work Group met on September 19, 2019, at the Jessie M. Parker Building, Grant Room, in Des Moines.

**Purpose.** This work group was created by [HF 766](#), division VII (FY 2020 Health and Human Services Appropriations Act), to review and develop a plan for transferring the administration, funding, and oversight of juvenile court graduated sanction services, court-ordered services, group foster care services, the Juvenile Detention Home Fund, and other related juvenile services and funding streams from the Department of Human Services (DHS) to the Office of the State Court Administrator (SCA) in the Judicial Branch or another appropriate state entity. The Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights was tasked with convening and providing administrative support to the work group.

**Detention Home Fund Subcommittee Report.** Ms. Dawn Schott, Director, Linn County Juvenile Detention, and Chairperson, Detention Home Fund Subcommittee, reviewed the recommendations of the subcommittee. The subcommittee had previously recommended that the responsibility for the Detention Home Fund be transferred from DHS to CJJP. Based on an estimate from DHS of the staff time required to administer the Detention Home Fund, the CJJP estimated the cost of administering the fund to be \$20,000. The subcommittee also considered five options for distribution of the fund. The subcommittee recommended the option supported by eight of the nine detention centers which is to distribute a base reimbursement of \$100,000 to each detention center and then to distribute the remaining funds based on eligible expenses. Following discussion, the work group approved the recommendations.

**Group Care Subcommittee Report.** Mr. Scott Hobart, Chief Juvenile Court Officer, 7th Judicial District, and Chairperson, Group Care Subcommittee, reviewed the report of the subcommittee, but asked that the work group defer action on any recommendations until the subcommittee finalizes details regarding the potential transfer of the administration of funding and oversight of group foster care placements for adjudicated delinquent youth from DHS to the SCA. Mr. Hobart reported that the subcommittee discussed the following:

- Transfer of oversight (full transfer of group care services including funds, policies, legal authority, staffing, contracts, procurement, data, and quality assurance) from DHS to SCA based on a three-year action plan that corresponds with the completion of the existing DHS group care contracts.
- That approximately 2.0 to 3.0 FTE positions are needed at the SCA to take on the responsibilities currently completed by DHS and that the three-year plan is contingent on this funding. The SCA would like these positions funded beginning July 1, 2020 (FY 2021).

- That the SCA also would require additional infrastructure such as contracting and accounting software if transfer of oversight is implemented.

The subcommittee developed an initial list of modifications in the law and administrative policies necessary for the transfer, but did not make final decisions regarding the potential unique service needs for juvenile justice youth compared to child welfare youth. The subcommittee also submitted a letter to DHS requesting information regarding alterations in current statewide group foster care contracts and protocol or policy necessary for the transfer.

**Graduated Sanctions Subcommittee Report.** Mr. Doug Wolfe, Transition Program Planner, DHS, and Chairperson, Graduated Sanctions Subcommittee, reported that the subcommittee has not yet determined if graduated sanctions and court-ordered funds should be transferred from DHS. The subcommittee did determine that if administration of the funds is transferred from DHS, the appropriate entity to administer the funds is the SCA. Mr. Wolfe noted that the subcommittee has not discussed programs yet, but has only discussed administrative issues. The subcommittee reported on several action items including the contracting system (Contract Creator, C2), the invoicing system (State Accounting System, i3), transition training, existing contracts, engagement of the Legislative Services Agency to draft changes to existing law, staff administration needs, Federal Title IV-E funding, use of decategorization funding, what other states are doing regarding reinvestment strategies for community-based services funding, and the duration of sanctions funding.

**National Best Practices.** Ms. Tessa Upin, Deputy Director of Juvenile Justice Initiatives, Crime and Justice Institute, and a consultant to the work group, provided an update on information collected from other states including Georgia, Kansas, Kentucky, Ohio, and Washington regarding funding for juvenile justice reform efforts that expand evidence-based and community-based services for juvenile justice services and reduce residential placements. In general, state funding is provided through grants or a funding formula, or a combination of both grants and a funding formula.

**Next Meeting.** The next meeting is scheduled for October 21, 2019, at Polk County River Place in Des Moines. Additional information and work group materials are available from the LSA upon request.

LSA Staff Contacts: Patty Funaro (515.281.3040) [patty.funaro@legis.iowa.gov](mailto:patty.funaro@legis.iowa.gov)  
Kent Ohms (515.725.2200) [kenneth.ohms@legis.iowa](mailto:kenneth.ohms@legis.iowa)

1069768