

Miller  
Hammond  
Redfern

SSB-1034  
Judiciary  
Succeeded By  
SE/HF 139

SENATE/HOUSE  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a person eighteen years of age or older within  
2 the jurisdiction of the juvenile court.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 Section 1. Section 232.2, subsection 5, Code 2001, is  
2 amended to read as follows:

3 5. "Child" means a person under eighteen years of age.  
4 For purposes of placement in detention under section 232.22,  
5 "child" also means a person who has been adjudicated  
6 delinquent and remains within the jurisdiction of the court  
7 under section 232.53, or who is eighteen years of age and  
8 meets the definition of a delinquent juvenile in section  
9 232.171, article III.

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

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

16 Sec. 3. Section 234.35, subsection 3, Code 2001, is  
17 amended to read as follows:

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

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

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

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

31

EXPLANATION

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

34 The bill provides that a person 18 years of age or older  
35 may be placed in detention if the juvenile court has

1034

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

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

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35



## Department of Justice

THOMAS J. MILLER  
ATTORNEY GENERAL

ADDRESS REPLY TO:  
HOOVER BUILDING  
DES MOINES, IOWA 50319  
TELEPHONE: 515-281-8164  
FACSIMILE: 515-281-4309

### MEMORANDUM

**To:** Members of the Iowa General Assembly  
**From:** Marilyn Lantz, Legislative Liaison  
**Date:** January 8, 2001  
**Subject:** Juvenile Detention and Foster Care

This proposal is divided into two parts, both dealing with options for youth who reach their 18<sup>th</sup> birthdays while still in the juvenile justice system.

**Part 1: Juvenile Detention.** There are a small number of juvenile delinquents who remain under the juvenile court's jurisdiction past their 18<sup>th</sup> birthdays, either pursuant to the extended jurisdiction provisions of Iowa Code section 232.53, 1999, or because they are from other states which have different jurisdictional requirements. This proposal clarifies that such youth may be placed in juvenile detention facilities. It is consistent with federal law that considers offenders to be juveniles, regardless of age, if they are under the jurisdiction of the juvenile court.

The alternative to detention for providing secure custody for these youth is placement in county jails. Both Iowa Code section 232.22(5), 1999, and the federal Juvenile Justice and Delinquency Prevention Act require that jails keep such youth entirely separate from adult offenders. This is expensive and difficult for many local jails to accomplish.

Juvenile detention is a more appropriate placement for these youth since they are not youth whose offenses are serious enough to cause them to be either waived to adult court or tried as adults pursuant to Iowa Code section 232.8(1)(c).

**Part 2: Foster Care.** This proposal would allow youth to remain in group foster care beyond their 18<sup>th</sup> birthdays if they are at imminent risk of becoming homeless or failing to graduate from high school or to obtain a graduate equivalency diploma, if the services are in the best interest of the child, funding is available for the services, and an appropriate alternative service is unavailable. It would also allow youth to continue to receive foster care services if necessary to complete a treatment program, such as a sex offender treatment program.

Young people may currently, under certain circumstance, remain in family foster care, independent living and at the state training schools past their 18<sup>th</sup> birthdays. Excluding group foster care is inconsistent. Local decision makers are in the best position to determine how best to spend their group care dollars and should be given the flexibility to do so.

Youth who are arbitrarily released from care on their 18<sup>th</sup> birthdays without a high school education or at risk for homelessness will not become productive citizens and will continue to require public support as adults.

3.27-01  
Referred To: Adams

FILED FEB 6 '01

SENATE FILE 139  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1034)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a person eighteen years of age or older within  
2 the jurisdiction of the juvenile court.

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

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

SF 139

1 Section 1. Section 232.2, subsection 5, Code 2001, is  
2 amended to read as follows:

3 5. "Child" means a person under eighteen years of age.  
4 For purposes of placement in detention under section 232.22,  
5 "child" also means a person who has been adjudicated  
6 delinquent and remains within the jurisdiction of the court  
7 under section 232.53, or who is eighteen years of age and  
8 meets the definition of a delinquent juvenile in section  
9 232.171, article III.

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

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

16 Sec. 3. Section 234.35, subsection 3, Code 2001, is  
17 amended to read as follows:

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

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

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

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

31

#### EXPLANATION

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

34 The bill provides that a person 18 years of age or older  
35 may be placed in detention if the juvenile court has

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

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

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

S-3062

1 Amend Senate File 139 as follows:

2 1. Page 1, by inserting after line 22 the  
3 following:

4 "aa. For a child who is eighteen years of age to  
5 complete a treatment program."

6 2. Page 1, lines 28 and 29, by striking the words  
7 "or to complete a treatment program."

By JOHNIE HAMMOND  
THOMAS FIEGEN

S-3062 FILED FEBRUARY 14, 2001

**SENATE FILE 139  
FISCAL NOTE**

---

The estimate for **Senate File 139** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

Senate File 139 relates to a person eighteen years of age or older within the jurisdiction of the juvenile court.

**ASSUMPTIONS**

1. The juvenile court has jurisdiction over a person until the age of 18.
2. Approximately 633 youth will attain the age of 18 prior to completing the treatment program.
3. Approximately 10.0% of these youth will remain in care for two months past their 18th birthday.
4. The Bill would result in an increase of ten placements per month.
5. Counties will have additional costs for juvenile detention facilities and services associated with youth who are 18 years of age and stay in the facility to complete the program. Due to insufficient information, the estimated fiscal impact to the counties cannot be determined.

**FISCAL IMPACT**

Senate File 139 will increase General Fund expenditures to the Department of Human Services by approximately \$242,000 annually. The following is a breakout of the State share: (maintenance - \$108,000; services - \$134,000).

The Judicial Branch anticipates an increase in hearings, however, the impact is not expected to be significant.

**SOURCES**

Attorney General  
Department of Human Rights, Criminal Juvenile Justice Planning  
Department of Human Services  
Judicial Branch

(LSB 1256SV, JDD)

FILED FEBRUARY 15, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR