

FEB 18 2005
HUMAN RESOURCES

HOUSE FILE 355
BY MASCHER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the state to assume the entire cost of
2 shelter care services.

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

HF 355

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1 Section 1. Section 232.141, subsection 1, Code 2005, is
2 amended to read as follows:

3 1. Except as otherwise provided by law, the court shall
4 inquire into the ability of the child or the child's parent to
5 pay expenses incurred pursuant to subsections 27 and ~~47--and-8~~.
6 After giving the parent a reasonable opportunity to be heard,
7 the court may order the parent to pay all or part of the costs
8 of the child's care, examination, treatment, legal expenses,
9 or other expenses. An order entered under this section does
10 not obligate a parent paying child support under a custody
11 decree, except that part of the monthly support payment may be
12 used to satisfy the obligations imposed by the order entered
13 pursuant to this section. If a parent fails to pay as
14 ordered, without good reason, the court may proceed against
15 the parent for contempt and may inform the county attorney who
16 shall proceed against the parent to collect the unpaid amount.
17 Any payment ordered by the court shall be a judgment against
18 each of the child's parents and a lien as provided in section
19 624.23. If all or part of the amount that the parents are
20 ordered to pay is subsequently paid by the county or state,
21 the judgment and lien shall thereafter be against each of the
22 parents in favor of the county to the extent of the county's
23 payments and in favor of the state to the extent of the
24 state's payments.

25 Sec. 2. Section 232.141, subsections 4 and 5, Code 2005,
26 are amended to read as follows:

27 4. Upon certification of the court, all of the following
28 expenses are a charge upon the state to the extent provided in
29 subsection 5:

30 a. The expenses of transporting a child to or from a place
31 designated by the court for the purpose of care or treatment.

32 b. Expenses for mental or physical examinations of a child
33 if ordered by the court.

34 c. The expenses of care or treatment ordered by the court.

35 d. Shelter care services.

1 5. If no other provision of law requires the county to
2 reimburse costs incurred pursuant to subsection 4, the
3 department shall reimburse the costs as follows:

4 a. The department shall prescribe by administrative rule
5 all services eligible for reimbursement pursuant to subsection
6 4 and shall establish an allowable rate of reimbursement for
7 each service. Shelter care homes shall be reimbursed as
8 provided in section 234.38.

9 b. The department shall receive billings for services
10 provided and, after determining allowable costs, shall
11 reimburse providers at a rate which is not greater than
12 allowed by administrative rule. Reimbursement paid to a
13 provider by the department shall be considered reimbursement
14 in full ~~unless a county voluntarily agrees to pay any~~
15 ~~difference between the reimbursement amount and the actual~~
16 ~~cost.~~ When there are specific program regulations prohibiting
17 supplementation those regulations shall be applied to
18 providers requesting supplemental payments from a county.
19 Billings for services not listed in administrative rule shall
20 not be paid. However, if the court orders a service not
21 currently listed in administrative rule, the department shall
22 review the order and, if reimbursement for the service of the
23 department is not in conflict with other law or administrative
24 rule, and meets the criteria of subsection 4, the department
25 shall reimburse the provider.

26 Sec. 3. Section 232.141, subsection 8, Code 2005, is
27 amended by striking the subsection.

28 Sec. 4. Section 232.142, subsections 1 and 2, Code 2005,
29 are amended to read as follows:

30 1. County boards of supervisors which singly or in
31 conjunction with one or more other counties provide and
32 maintain juvenile detention and homes or establish and operate
33 juvenile shelter care homes are subject to this section.

34 2. For the purpose of providing and maintaining a county
35 or multicounty juvenile detention home or establishing a

1 juvenile shelter care home, the board of supervisors of any
2 county may issue general county purpose bonds in accordance
3 with sections 331.441 to 331.449. Expenses for providing and
4 maintaining a multicounty juvenile detention home or for
5 establishing a multicounty juvenile shelter care home shall be
6 paid by the counties participating in a manner to be
7 determined by the boards of supervisors.

8 Sec. 5. Section 234.35, subsection 1, unnumbered paragraph
9 1, Code 2005, is amended to read as follows:

10 The department of human services is responsible for paying
11 the cost of foster care or shelter care provided for a child,
12 according to rates established pursuant to section 234.38,
13 under any of the following circumstances:

14 Sec. 6. Section 234.35, subsection 1, paragraph h, Code
15 2005, is amended to read as follows:

16 h. When the child is placed in shelter care ~~pursuant to~~
17 ~~section-232-207-subsection-1, or section-232-21.~~

18 Sec. 7. Section 234.38, Code 2005, is amended by adding
19 the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. Shelter care home providers
21 shall receive cost-based reimbursement for one hundred percent
22 of the reasonable costs for the provision of shelter care home
23 services to children.

24 Sec. 8. Section 331.441, subsection 2, paragraph b,
25 subparagraph (5), unnumbered paragraph 1, Code 2005, is
26 amended to read as follows:

27 Public buildings, including the site or grounds of, and the
28 erection, equipment, remodeling, or reconstruction of, and
29 additions or extensions to the buildings, and including the
30 provision and maintenance of juvenile detention home
31 facilities or the establishment of juvenile shelter care home
32 facilities, when the cost does not exceed the following
33 limits:

34 Sec. 9. Section 331.441, subsection 2, paragraph c,
35 subparagraph (9), Code 2005, is amended to read as follows:

1 (9) Public buildings, including the site or grounds of,
2 the erection, equipment, remodeling, or reconstruction of, and
3 additions or extensions to the buildings, and including the
4 provision and maintenance of juvenile detention home
5 facilities or the establishment of juvenile shelter care home
6 facilities, when the cost exceeds the limits stated in
7 subsection 2, paragraph "b", subparagraph (5).

8 EXPLANATION

9 This bill provides for the state to assume the entire cost
10 of shelter care services. Under current law, shelter care
11 costs are borne partially by the state but counties may assume
12 a portion of the cost not covered by the state.

13 Code section 232.141 is amended to explicitly make shelter
14 care services a state responsibility and to eliminate the
15 authorization for counties to assume part of the cost that is
16 unpaid by the state. Subsection 8 of that Code section,
17 relating to county recovery of unpaid costs from the county of
18 legal settlement, is stricken.

19 Code section 232.142, relating to county responsibilities
20 for providing and maintaining county or multicounty juvenile
21 detention and shelter care homes, is amended to narrow county
22 responsibility for shelter care to voluntarily establishing
23 and operating a county or multicounty shelter care home.

24 Code section 234.35, relating to state responsibility for
25 paying for the costs of foster care, is amended to expand the
26 state responsibility for shelter care. This Code section
27 currently limits the state's shelter care responsibility to
28 pay for care for up to 72 hours under Code section 232.20 when
29 a court orders it, when a child is arrested for a delinquent
30 act, or when a peace officer believes a child has run away or
31 is a chronic runaway youth; or for care for up to 48 hours
32 under Code section 232.21 when a child desires it, when a
33 court orders it, a parent, guardian, adult relative, or other
34 responsible adult approved by the court is not available,
35 while the child's parent, guardian, or custodian is being

1 contacted, or while the child is being held for transfer to
2 another jurisdiction. A child may be held for longer periods
3 in shelter care with a court order. The bill strikes these
4 limitations to provide the state with general responsibility
5 for shelter care. In addition, Code section 234.38 is amended
6 to provide that the shelter care reimbursement rate is based
7 upon 100 percent of the reasonable costs of providing the
8 shelter care.

9 The bill amends county bonding authority under Code chapter
10 331 in regard to juvenile shelter care homes to limit the
11 authority to establishment costs.

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