
STATE OF IOWA DEPARTMENT OF

Health ^{AND} Human

SERVICES

Health Home Learning Collaborative

Juvenile Court Services

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This training is a collaborative effort between the Managed Care Organizations and Iowa Medicaid

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Agenda

- Introductions
- Juvenile Court / Juvenile Court Services.....Iowa Total Care
- Questions.....All

Objectives:

- Learn the basic functions of Juvenile Court and Juvenile Court Services.
- The Juvenile Court System and the difference from the adult system.
- Learn the difference between Child in need of assistance and delinquency.

Juvenile Court vs Juvenile Court Services

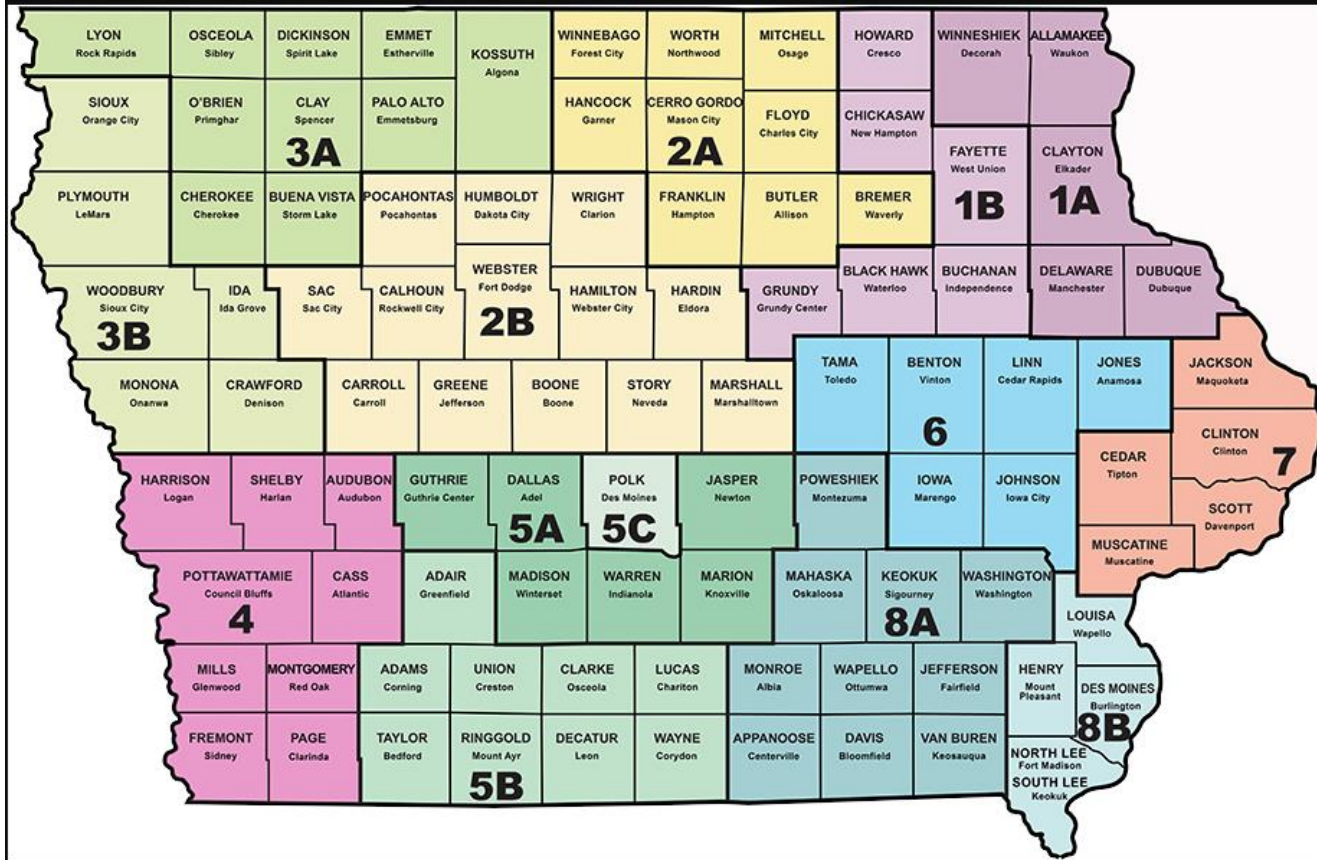
- Juvenile Court



- Juvenile Court Services



Iowa Juvenile Court Districts



Landmark Juvenile Court Cases

- *In re Gault* – 1967 case in which stated the 14th Amendment applies to juveniles as well as adults.
- *Roper v. Simmons* – 2005 unconstitutional to impose capital punishment for crimes committed under age 18.
- *Iowa v. Sweet* - Case in which a juvenile can not be sentenced to life in prison with out the possibility of parole.

Juvenile Court Chapter 232



<https://www.legis.iowa.gov/docs/ico/chapter/232.pdf>

Adjudicatory hearing- means a hearing to determine if the allegations of a petition are true.

Child – Means a person under 18 years of age.

Complaint- Means an oral or written report which is made to the juvenile court by any person and alleges that a child is within the jurisdiction of the court

Child in need of Assistance- means a child who has been found to meet the grounds for adjudication pursuant so section 232.96A - Note child must be unmarried.

Court appointed special advocate- (CASA) means a person who advocates for the child by conducting in person interview, home visits, attending all hearings, and assisting with any transition plans. section 237.24.

Juvenile Court Chapter 232

Delinquent act – The violation of a federal law or a law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.

Detention- means the temporary care of a child in a physically restricting facility designed to ensure the continued custody of the child at any point between the child's initial contact with the juvenile authorities and the final disposition of the child's case.

Guardian ad litem- means a person appointed by the court to represent the interests of a child in any judicial proceeding to which the child is a party.

Informal adjustment agreement- means an agreement between an intake officer, a child who is the subject of a complaint, and the child's parent, guardian, or custodian providing for the informal adjustment of the complaint.

Intake- means the preliminary screening of complaints by an intake officer to determine whether the court should take some action and if so, what action.

Petition- means a pleading the filing of which initiates formal judicial proceedings in the juvenile court.

Predisposition report- " means an investigation conducted for the purpose of collecting information relevant to the court's fashioning of an appropriate disposition of a delinquency case over which the court has jurisdiction.

Wavier hearing - means a hearing at which the court determines whether it shall waive its jurisdiction over a child alleged to have committed a delinquent act so that the state may prosecute the child as if the child were an adult

Child in Need of Assistance (CINA)

Removal—At the state's request and with sufficient proof, a juvenile judge may remove a child from his or her home without a hearing if the child is in imminent danger. If a child is removed without a hearing, a hearing must be held within 10 days after the removal. Additionally, Iowa law provides that if only one parent or adult in the home poses a risk to a child, the court can enter an order removing the parent/adult from the home rather than removing the child.

Adjudication—A CINA case begins when the state files a petition that alleges a child is in need of assistance for certain reasons, such as the parent is not providing adequate care or cannot provide the child with adequate care, treatment for an illness or drug addiction, or reasonable supervision, or the child has been abandoned, neglected or abused by a parent or guardian. At the adjudication hearing, the state will offer evidence and call witnesses to support its claim. Typically, the parents deny and contest the allegations, and offer evidence to refute the state's claim. On occasion, parents agree that their child is in need of assistance so the state can provide treatment and other services that the parents are unable to provide.

Disposition—After the adjudication hearing (and the removal hearing if applicable), the judge holds a disposition hearing. At disposition, the judge determines what services should be provided to the parents to help them overcome whatever problems led to the need for adjudication, what services should be provided to the child, and whether the child should be placed out-of-home.

Review—The court must hold a review hearing every six months after a child has been removed from the home. At a review hearing, the judge will review the parent's efforts to comply with court-ordered treatment and services, the condition of the child, and the placement of the child if the child was removed from her parents.

Juvenile Court Delinquency Flow

- Intake—In most but not all complaints involving delinquent behavior, the first step is “intake.” This is the first screening of a complaint by a juvenile court officer and the child’s parents. The purpose of intake is to determine whether the court should take action in the case. From intake the case may proceed in two directions, either to informal adjustment or to the filing of a formal delinquency petition. If a child has been apprehended or detained by law enforcement, the matter may go straight to the filing of a petition without the intake procedure. The petition is generally filed by the county attorney.



Juvenile Court Delinquency Flow

- **Informal Adjustment**—If a matter proceeds by informal adjustment, the child, the child’s parents and juvenile court services sign an informal adjustment agreement that requires that the child admit the charges and agree to certain conditions. If a child obeys the conditions of the informal adjustment agreement, the child is released from the oversight of the juvenile court.
 - This agreement is voluntary and is in the best interest of the child and the public.
 - This agreement can only last for 6 months.
 - This agreement is **NOT** a formal process and there for there is no court record of this agreement.



Juvenile Court Delinquency Flow

- Consent decree (Deferred Judgement in Adult court)
 - This is filed after a petition and before the any order of adjudication. This will ensure the matter has the possibility of keeping the charge off the child's record.
 - The court will set terms and conditions for the child at this point to which the child must follow to remain out of formal court proceedings. This may include, not allowing the child to drive, tracking and monitoring, work assignment, restitution, placement in foster care, and programing such as batterers' treatment.
 - Consent decree can last up to one year and if all terms are met then the original petition will not be pursued.
 - If the child does not fulfill the Consent decree, then the child may be held accountable for the original petition (formal proceedings).

Juvenile Court Delinquency Flow

- Waiver—In cases involving violent criminal behavior by older adolescents there may be a waiver hearing to decide if a child should be tried as an adult. A juvenile judge may “waive” a child to adult court if the child is over 14 years of age and there are no reasonable prospects to rehabilitate the child in juvenile court. If a child is sixteen or over and commits a “forcible felony,” that child is automatically waived to adult court. Once waived to adult court, the child is no longer under the jurisdiction of the juvenile court and is subject to the same criminal procedures and penalties as adults.
 - A child who is 16 years of age and is automatically waived to adult court can have a waiver hearing to be waived back to the juvenile court.

Juvenile Court Delinquency Flow

- Disposition—The court has two disposition (sentencing in adult court) options: probation or placement. If the court orders formal probation, the child must comply with certain conditions. If a child successfully completes the probation, the child is released from the jurisdiction of the court. If a child does not comply with probation, the child will be subject to further disposition by the court. In addition, the court may place the child in foster care, residential treatment or a state institution.
- Boys State Training School - <https://hhs.iowa.gov/mhds/mental-health/in-patient/juvenile-facility/eldora>
- Girls State Training School- Closed in 2013



Juvenile Court Flow cont.

- **Formal Proceedings**—The filing of a petition by the county attorney on behalf of the state triggers formal court proceedings. The petition contains allegations of the child’s delinquent acts. Most petitions proceed to adjudicatory hearings. An adjudicatory hearing (trial in adult court) is a court hearing to determine if the allegations in the petition are supported by evidence. The child has the right to be represented by counsel. If the child cannot afford counsel, counsel will be provided at state expense. Both sides present evidence. If the child is found not to have committed the alleged delinquent acts, the petition is dismissed and the child is no longer under the jurisdiction of the court. If the child is found to have committed the acts, the child is adjudicated a delinquent. A disposition hearing (sentencing in adult court) follows a determination of delinquency. At the disposition hearing the court determines the appropriate consequences or treatment for the child.

Detention vs Shelter

- Detention – means the temporary care of a child in a physically **restricting** facility designed to ensure the continued custody of the child at any point between the child's initial contact with the juvenile authorities and the final disposition of the child's case.
 - This would be about the same as jail for adults.
- Shelter - means the temporary care of a child in a physically **unrestricting** facility at any time between a child's initial contact with juvenile authorities and the final judicial disposition of the child's case.
 - The door is locked from getting into the facility but not out of the it.

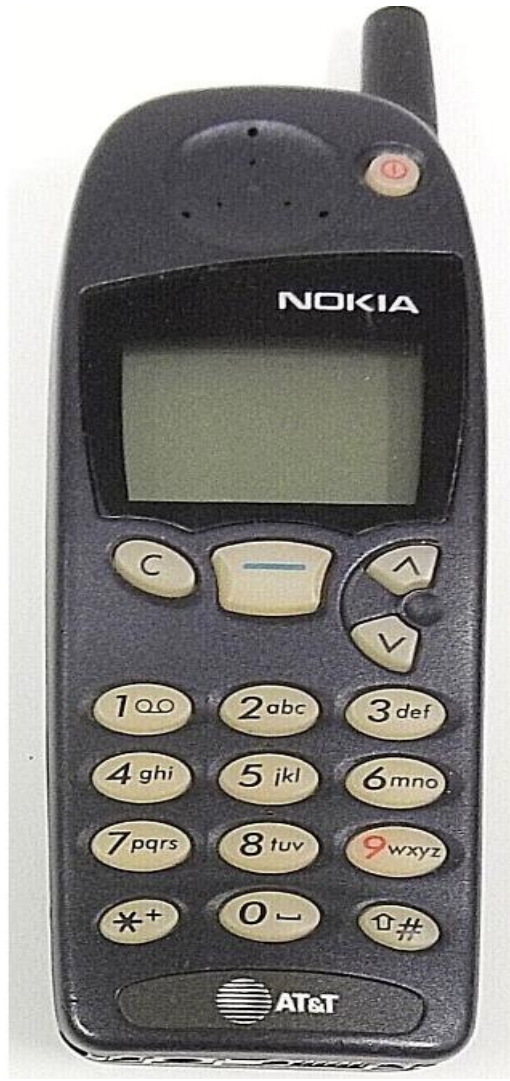


Tracking and Monitoring

- Tracking, monitoring, and outreach services may be provided seven days a week, up to 24 hours a day, and may include multiple daily contacts with the child.
- Tracking and monitoring activities are directed toward the child's maintaining accountability and may include multiple daily contacts with the child through direct personal contact, telephone, or electronic monitoring devices.



Tracking and Monitoring



References

- <https://www.legis.iowa.gov/docs/ico/chapter/232.pdf>
- <https://hhs.iowa.gov/mhds/mental-health/in-patient/juvenile-facility/eldora>
- https://www.iowacourts.gov/static/media/cms/E0403_6C751462F3F56.pdf

Questions