



Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group

Action Plan and Recommendations

Pursuant to House File 766, Division VII

December 2019

Prepared for the Office of the Governor
and the Iowa General Assembly

Iowa Department of Human Rights,
Division of Criminal and Juvenile
Justice Planning

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Table of Contents

Cover Letter	3
Work Group Members	4
Executive Summary	6
Timeline for Transfer of Funds	7
Overview of Recommendations	8
Background.....	9
Work Group and Subcommittees.....	10
Memorandum of Understanding	11
Detention Home Fund	12
Work Group Recommendations.....	12
Action Plan	12
Policy Recommendations	13
Graduated Sanction and Court-Ordered Services	14
Work Group Recommendations.....	14
Action Plan	15
Policy Recommendations	16
Group Foster Care	18
Work Group Recommendations.....	18
Action Plan	18
Policy Recommendations	20
Quality Assurance Process	21
Continuous Quality Improvement.....	21
Conclusion	23
Appendix A: Pre-Filed Bill for Detention Home Fund	
Appendix B: Reinvestment Grants and Funding Structures for Evidence/Community-Based Services (CJI)	
Appendix C: State Examples on Matching Programming and Treatment to Risk-Level (CJI)	
Appendix D: Implementing Evidence-Based Programs and Practices (CJI)	
Appendix E: Service Utilization in Juvenile Justice and Child Welfare: A Data Summary (CJJP)	
Appendix F: Serious, Violent and Chronic Juvenile Female Offenders: Service and System Recommendations for Iowa (Iowa Girls Justice Initiative)	
Appendix G: Group Care Usage in Juvenile Justice and Child Welfare: A Data Summary (CJJP)	
Appendix H: State Examples of Group Care Funding Structures and Services (CJI)	



Governor Kim Reynolds
Lt. Governor Adam Gregg
San Wong, Director

December 13, 2019

Dear Governor Reynolds and Members of the General Assembly:

The Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group, respectfully submits its Action Plan and Recommendations, pursuant to HF766, Division VII. The Work Group and respective subcommittees were assigned an important and challenging set of tasks. The Action Plan and Recommendations were developed and agreed upon after thoughtful discussion, research, review of data, and consultation with local stakeholders and national experts. The Work Group accomplished a great deal of work in a short amount of time. Between July and December, the Work Group and accompanying subcommittees met a total of 16 times to improve and develop better ways to provide services to youth in the juvenile justice system. We appreciate the opportunity to participate in developing the action plan and recommendations to create a more efficient and effective juvenile justice system.

The Work Group set a lofty goal to develop an action plan and set of recommendations that will improve public safety for all Iowans, and ensure that youth in the juvenile justice system are safe, healthy, successful, and prepared for adulthood.

Striving to achieve the goal led to the Work Group broadening the assigned tasks, to review services and policies and make recommendations for improvement in the quality and effectiveness of programs, services, and supports for youth in the juvenile justice system. The action steps and recommendations reflect these additional areas for improvement.

The implementation of these recommendations will enhance efficiencies and allow for services and treatment to be targeted and individualized for the needs and risk levels of the youth. In order for youth to be safe, healthy, successful, and prepared for adulthood, the right youth must receive the right service at the right time.

We encourage your review and respectfully ask for serious consideration of each of these recommendations.

If you have any questions or would like to discuss specific recommendations, do not hesitate to contact me at 515-242-6122 or steve.michael@iowa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Steve Michael".

Steve Michael, Convener of the Work Group
Division Administrator
Iowa Department of Human Rights
Division of Criminal and Juvenile Justice Planning

Members of the Graduated Sanction, Court-Ordered, and Group Foster Care
Services and Funding Work Group

Steve Michael, CJP Administrator & Co-Chair

Todd Nuccio, State Court Administrator & Co-Chair

Andrew Allen, CEO, Youth and Shelter Services (YSS)

Kodi Baughman, FTDM-YTDM Facilitator, Children & Families of Iowa

Felicia Carter, Prevention Educator, Pathway's Behavioral Services

Kelly Cox, Contract Accountant, Juvenile Court Services

Kent Farver, State Court Administration

Patrick Garcia, Boys Town Iowa

Senator Julian Garrett, District 13

John Goerd, Deputy State Court Administrator

Jim Hennessey, Child Advocacy Board

Stephanie Hernandez, Family Resources, Inc.

Scott Hobart, Chief Juvenile Court Officer

Cheryl Johnson, Children & Families of Iowa

Gretchen Kraemer, Office of the Attorney General, DHS Division

Representative Ann Meyer, District 9

Gary Niles, Chief Juvenile Court Officer

Omar Ordaz, Former System Youth

Senator Amanda Ragan, District 27

Jana Rhoads, Administrator of Adult, Children, & Family Services, DHS

Dawn Schott, Director, Linn County Juvenile Detention & Diversion Services

Tom Southard, Retired Chief Juvenile Court Officer

Representative Kristin Sunde, District 42

Cheryl Traum, District Associate Judge

Andrea Vitzthum, Assistant Polk County Attorney

Jeff Wallace, Safer Foundation

Paul White, Des Moines Juvenile Public Defender

Emily Willits, Office of the Attorney General

Doug Wolfe, Transition Program Planner, DHS

The Work Group held its final meeting on December 9, 2019. A motion was made to accept and submit this report and its recommendations. The motion passed as follows:

Present:

Ayes: Kodi Baughman; Felicia Carter; Kelly Cox; Kent Farver; Patrick Garcia; John Goerd; Jim Hennessey; Stephanie Hernandez; Scott Hobart; Cheryl Johnson; Steve Michael; Gary Niles; Todd Nuccio; Dawn Schott; Tom Southard; Cheryl Traum; Andrea Vitzthum; Emily Willits

Nays: None

Abstain: Doug Wolfe

Ex-officio: Sen. Julian Garrett; Rep. Ann Meyer; Sen. Amanda Ragan

Absent: Andrew Allen; Gretchen Kraemer; Omar Ordaz; Jana Rhoads; Jeff Wallace; Paul White

Ex-officio: Rep. Kristin Sunde

Acknowledgements:

The Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP), is very appreciative of the commitment and professionalism of the Work Group members throughout this process. Their unique perspectives helped guide this plan and recommendations with the overarching purpose of improving services for youth in the juvenile justice system.

In addition, the consultants from Crime and Justice Institute – Tessa Upin, Jennifer Christie, and Frank Stiefel; and the Council of State Governments Justice Center – Josh Weber, provided invaluable assistance by researching and identifying national best practices and strategies to improve juvenile justice.

Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) Staff:

Tammi Blackstone, Juvenile Justice Systems Improvement

Jeanne Foster, Budget Analyst

Dave Kuker, Executive Officer

Scott Musel, Juvenile Compliance Monitor

Kathy Nesteby, Executive Officer

Jeff Regula, Statistical Research Analyst

Julie Rinker, Administrative Secretary

Laura Roeder-Grubb, Information Technology Specialist

Consultants:

Jennifer Christie, Senior Trainer and Policy Specialist, Crime and Justice Institute

Frank Stiefel, Policy Analyst, Crime and Justice Institute

Tessa Upin, Deputy Director of Juvenile Justice Initiatives, Crime and Justice Institute

Joshua Weber, Program Director, Juvenile Justice, Council of State Governments Justice Center

Executive Summary

Pursuant to House File 766 (2019), the Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group recommends (subject to Disclaimers on p. 7):

- Transfer of the \$15,543,000 Graduated Sanction and Court-Ordered appropriation from the Department of Human Services (DHS) to State Court Administration (SCA) on July 1, 2021, with an additional appropriation of \$147,591 annually for SCA to administer the funds and services.
- Transfer of the Group Foster Care appropriation (appropriate portion for juvenile offenders) from DHS to SCA on July 1, 2023, with progressive additional funds for SCA to administer the services.
- Transfer of the Iowa Detention Home Fund appropriation (approximately \$4 million annually) from DHS to the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP), on January 1, 2021, with an additional appropriation of \$20,000 annually for CJJP to administer the funds.

The additional financial appropriations needed for these transfers include:

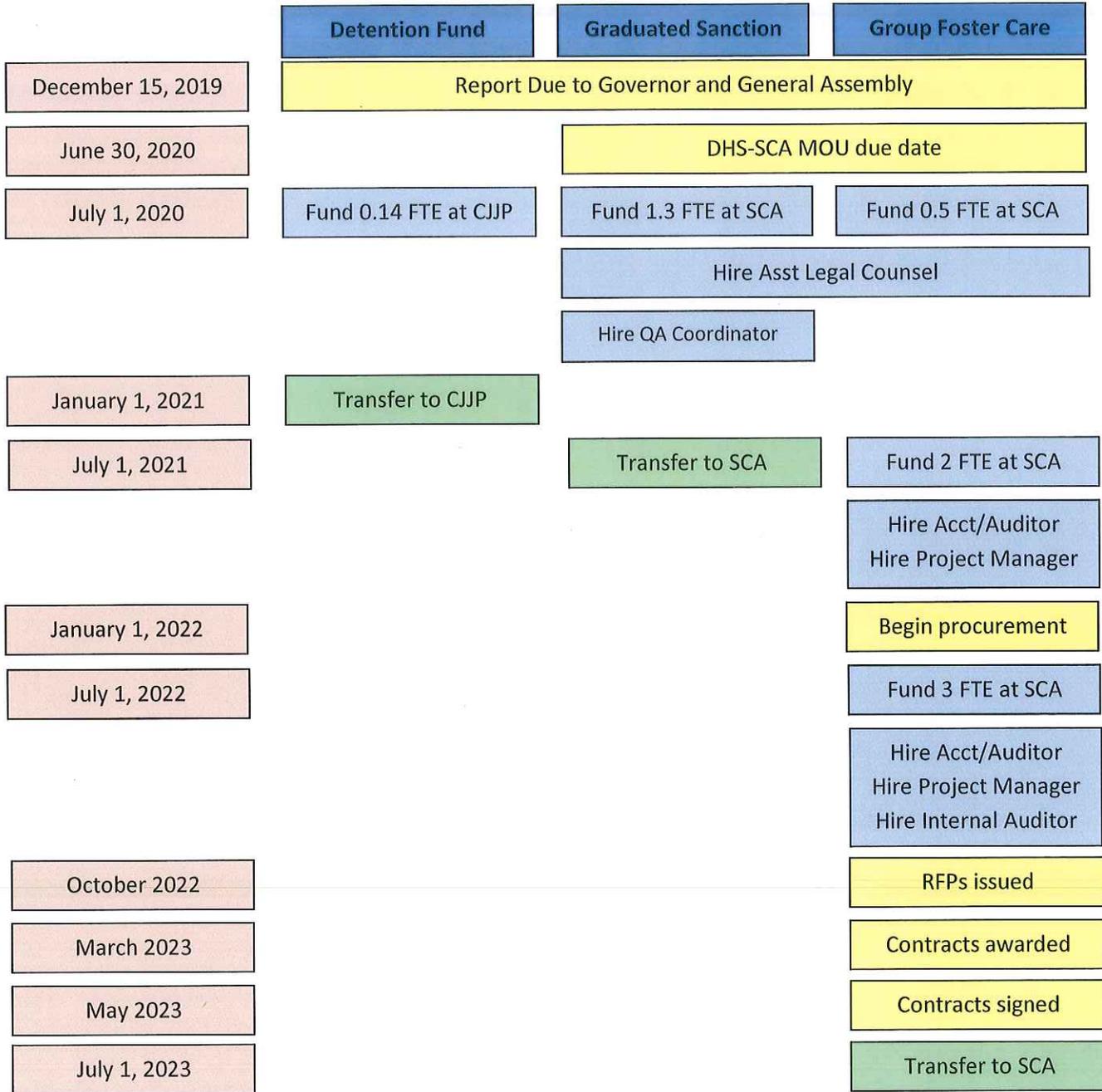
Fund	FY 2021	FY 2022	FY 2023 and beyond
Graduated Sanction	\$ 147,591 (1.3 FTE)	\$ 147,591 (1.3 FTE)	\$ 147,591 (1.3 FTE)
Group Foster Care	\$ 72,071 (0.5 FTE)	\$ 224,655 (2.5 FTE)	\$ 473,587 (5.5 FTE)
Detention Home Fund	\$ 20,000 (.14 FTE)	\$ 20,000 (.14 FTE)	\$ 20,000 (.14 FTE)
Total	\$ 239,662	\$ 392,246	\$ 641,178

The additional appropriations should be directly added to the respective named funds; they should not be added to the general Judicial Branch or Iowa Department of Human Rights appropriations.

The Work Group makes the following additional policy recommendations:

- Graduated Sanction funds should be a two-year appropriation to allow for continuous services for youth and efficient use of resources.
- No changes should be made to the use or oversight of Decategorization (Decat) funds.
- DHS and SCA should update their current Memorandum of Understanding (MOU) to guide the transition of Graduated Sanction and Group Care funds; the MOU should also include a plan for how the agencies will cooperate to (1) maximize federal reimbursement for services through the federal Family First Prevention Services Act (FFPSA) and (2) collaborate on case planning for youth involved in both the child welfare and juvenile justice systems.
- The Detention Home Fund reimbursement formula should be modified such that each juvenile detention home receives a base amount of \$100,000, and remaining funds would be distributed among the detention homes in proportion to their eligible operational costs.
- The administrator of Graduated Sanction funds should create policy to ensure:
 - A fully-funded continuum of care for all youth
 - High quality, evidence-based services that match the risk and needs of youth
 - Moderate and high-risk youth receive the majority of services
 - Gender-responsive and culturally-appropriate services for youth
 - Continued work towards reducing racial and ethnic disparities
 - Appropriate reimbursement to providers for effective services

Timeline for Transfer of Funds



Disclaimers:

State Court Administration (SCA) is not seeking the transfer of Graduated Sanction or Group Care dollars to its office. However, pursuant to the directives of House File 766, SCA has identified the additional resources needed if the Legislature determines that the funds should transfer to SCA for oversight and administration.

Although DHS acknowledges the legislation requires a transition plan to accomplish the transition by 2021, should the legislature approve, DHS joins the Work Group in recommending transition by 2023.

Overview of Recommendations

The Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group recommends:

1. The transfer of the funds and administration of **Graduated Sanction** and Court-Ordered services from DHS to SCA on July 1, 2021. The appropriation for these services is currently \$15,543,000.

SCA will require additional resources to build the capacity to provide the necessary contracting, procurement, data, and quality assurance capabilities to manage the funds and services:

- The expected additional annual cost for administration of Graduated Sanction funds is \$147,590.60.
- This additional appropriation should begin on July 1, 2020.

The Work Group recommends that Graduated Sanction funds be two (2) year appropriations to allow for continuous services for youth and efficient use of resources. Currently, Juvenile Court Services (JCS) has the ability to transfer funds to Decategorization (Decat) prior to the end of the fiscal year to extend the life for funds that will be expended in the next fiscal year.

The Work Group recommends that no changes be made to either the oversight or use of Decat funds, which are administered through DHS and utilized for a variety of community-based programs for youth. JCS will reduce transfers of funds to Decat by extending the availability of the Graduated Sanction funds for an additional year.

2. The transfer of the administration of **Group Foster Care** services and funds, for juvenile offenders, from DHS to SCA on July 1, 2023. The Work Group acknowledges the legislation requires an action plan for transition by July 1, 2021. However, the Work Group does not believe that the transfer of the oversight and administration can occur in a planful and efficient manner by July 1, 2021. The additional two years is needed to responsibly transfer the funds without disrupting safe and effective group care services for Iowa's youth. Additionally and to prepare for the transfer of funds, the Work Group recommends that DHS and SCA enter into a Memorandum of Understanding (MOU) by June 30, 2020, to establish processes to improve outcomes for juvenile justice youth in Group Foster Care, prior to the transfer of funds.

SCA will require additional resources to build the capacity to provide the necessary contracting, procurement, data, and quality assurance capabilities, to manage the funds and services:

- The expected cost in FY2021 to prepare for administration of Group Care funds is \$72,071.
- The expected cost in FY2022 to prepare for administration of Group Care funds is \$224,655.
- The expected cost in FY2023 and beyond to administer Group Care funds is \$473,587.

3. The transfer of the administration of the **Iowa Detention Home Fund** (approximately \$4 million annually) from DHS to CJJP on January 1, 2021. In addition, the Work Group recommends that the reimbursement formula be modified such that each juvenile detention home should receive a base amount of \$100,000, and the remaining distribution would be distributed among the detention homes in proportion to their eligible operational costs.

CJJP will require additional resources to provide fiscal review and analysis, to manage the funds:

- The expected cost in FY2021 and beyond to administer the Detention Home Fund is \$20,000.

Background

On April 22, 2019, the Iowa Legislature passed House File 766 (signed on May 3, 2019, by Governor) including Division VII: Graduated Sanction, Court-Ordered, and Group Foster Care Services and Funding Work Group. The bill directed the Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) to convene and facilitate a Work Group to review and develop a plan to transfer the administration of Graduated Sanction and Court-Ordered Services and funding and the oversight of Group Foster Care placements for eligible children from the Department of Human Services (DHS) to State Court Administration (SCA). The plan was to ensure that SCA has the capacity, resources, and expertise to manage the funding and services effectively.

CJJP was directed to submit a report of the findings and recommendations of the Work Group, including a plan to implement the recommendations by July 1, 2021, to the Governor and the General Assembly by December 15, 2019.

Specifically, the Work Group was asked to do all of the following:

1. Develop an action plan to transfer the administration of Graduated Sanction and Court-Ordered Services, and associated funding from DHS to SCA or other appropriate state entity;
2. Develop an action plan to transfer the oversight of Group Foster Care Services from DHS to SCA or other appropriate state entity;
3. Develop and action plan to transfer administration of the Juvenile Detention Home Fund from DHS to SCA or other appropriate state entity;
4. Evaluate current resources to determine the most efficient means of suitably equipping SCA or other appropriate state entity with the legal authority, staffing, contracting, procurement, data, quality assurance capabilities, and other resources needed to manage the funds and services;
5. Recommend statutory and administrative policies and court rules to promote collaborative case planning and quality assurance between DHS and Juvenile Court Services (JCS) for youth involved in both the child welfare and juvenile justice systems;
6. Determine the impact and role of the federal Family First Prevention Services Act (FFPSA) relative to the various funding streams and services under the purview of the Work Group, and recommend statutory and administrative policies and rules to coordinate the duties of the Work Group with implementation and administration of the federal Act;
7. Determine the role of the Decategorization of Child Welfare and Juvenile Justice Funding Initiative (Decat) relative to other funding streams and services under the purview of the Work Group, and make recommendations regarding the future of the initiative, including potential transfer of the initiative from DHS to SCA or other appropriate state entity; and
8. Consult with other state juvenile court systems and subject matter experts to review administration of similar programs, to glean information on lessons learned and best practices, and to determine the types of community and residential services that have demonstrated effectiveness for eligible children.

Work Group and Subcommittees

After House File 766 passed, a Work Group was quickly but mindfully assembled to include each of the representatives required by the bill and the expertise needed to successfully complete its tasks.

Beginning in July of 2019, the Work Group met monthly to conduct a comprehensive, informed, data-driven discussion regarding the transfer of juvenile justice funds from DHS. Over the course of five meetings, Work Group members reviewed state law, administrative policies, and court rules while collecting additional information from stakeholders regarding the needs of Iowa's youth.

The Work Group received input and guidance from national experts as well as our partners in state. Josh Weber, Program Director from the Council on State Governments Justice Center (CSG), presented the recommendations that CSG made to our state as part of Iowa's Juvenile Justice Systems Improvement initiative. Recommendations included reducing the use of services for low-risk youth, utilizing services tailored for juvenile justice youth to address criminogenic needs, and for Juvenile Court Services to have oversight, control, and accountability for community-based services.

The Work Group also received ongoing expertise from Tessa Upin, Jennifer Christie, and Frank Stiefel of the Crime and Justice Institute regarding:

- state examples on matching programming and treatment to risk level;
- state examples on funding structures for evidence-based community-based services;
- state examples of group care funding structures and services; and
- implementing evidence-based programs and practices.

After its initial meeting, the Work Group determined that it would also assemble three subcommittees comprised of Work Group members and additional stakeholders and subject-matter experts. These three subcommittees also met monthly beginning in August of 2019:

- Detention Home Fund Subcommittee: August 5, September 13
- Graduated Sanction Subcommittee: August 6, September 3, October 10, November 5
- Group Care Subcommittee: August 12, September 16, October 14, October 30

Memorandum of Understanding

The Work Group recommends that State Court Administration and the Department of Human Services collaborate and enter into a Memorandum of Understanding (MOU) by June 30, 2020, to address issues in the interim pending the transition. The following topics were identified as points for discussion:

- A plan and process for SCA and DHS to seek reimbursement from the federal government under the FFPSA for juvenile justice youth who are at risk of entering foster care placement
- A plan for collaborative case planning and quality assurance for crossover youth who are involved or who become involved in both the child welfare system and juvenile justice system
- A plan for the orderly transition of Graduated Sanction and Group Care Funds including fiscal oversight, contracting, service matching, and implementation of evidence-based practices
- Under the current Group Foster Care contracts, which will be in effect through June 30, 2023, interim changes have been requested by SCA to improve outcomes for juvenile justice youth in Group Care, including:
 - Increased decision-making authority for Juvenile Court Services for initial placement of delinquent youth, and decisions on subsequent placements, if necessary;
 - A plan to ensure that treatment services from providers are designed to reduce criminogenic risk and needs with a focus on evidence-based practices;
 - A plan to work with providers to separate, to the extent possible, youth with high criminogenic needs from those with lower criminogenic needs and those living with trauma, intellectual disabilities, and serious emotional disorders; and
 - A plan to establish appropriate levels of care for high-risk delinquent girls, with input from group care providers interested in serving this population.

Detention Home Fund

Juvenile detention homes are facilities that provide secure, short-term housing to youth under the age of 18 who are awaiting court hearings and proceedings, or awaiting placement in group foster care. There are nine juvenile detention homes in Iowa. The Detention Home Fund was established to provide state assistance to juvenile detention homes for reimbursement of operation expenses. Fees collected by the Department of Transportation under Iowa Code section 321.218A, including civil penalties for driver's license suspensions and revocations, are deposited into the fund. These collected funds are then allocated among the state's juvenile detention homes. Iowa Code requires reimbursement for at least 10% but not more than 50% of the total costs related to the establishment, improvement, operation, and maintenance of the homes. The Detention Home Fund is currently administered by the Department of Human Services.

Work Group Recommendations

The Work Group recommends that administration of the Iowa Detention Home Fund transfer from the Department of Human Services (DHS) to the Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) on January 1, 2021, and CJJP should be appropriated \$20,000 annually to administer the fund. In addition, the Work Group recommends that the reimbursement formula be modified such that each juvenile detention home should receive a base amount of \$100,000, and the remaining distribution would be distributed among the detention homes in proportion to their eligible operational costs.

Action Plan

Funding and Resources Needed for Transfer

CJJP should be appropriated \$20,000 annually to administer the fund beginning in FY2021. The Work Group determined that approximately 284 hours are needed annually for administration. This is roughly 14% of a full-time employee. CJJP is able to absorb these additional duties among current staff with an annual appropriation.

Statute and Rule Changes

Iowa Code section 232.142 establishes the Iowa Detention Home Fund. The statute needs to be amended to transfer responsibility for the fund from DHS to CJJP and to reflect the proposed change in the reimbursement formula. The Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) has pre-filed legislative language to be introduced in the 2020 Legislative Session which addresses the transfer of responsibility, the additional requested appropriation, and the recommended policy change. (**Attachment A**)

The Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) will need to develop administrative rules and ensure the rules are in effect by January 1, 2021.

Timeline for Transfer

If legislation approving the transfer and appropriation passes in the 2020 legislative session, responsibility for the fund should transfer from DHS to the Iowa Department of Human Rights, Division

of Criminal and Juvenile Justice Planning (CJJP) on January 1, 2021. Detention centers begin submitting financial reports in March, so this timeline would allow CJJP time to establish its policies and business practices prior to receiving and processing the reports.

Policy Recommendations

The Work Group considered a report on the Detention Home Fund that was completed in 2011¹ but never acted upon. After a review of the report, discussion among the Work Group and Detention Subcommittee, and hearing from the state's detention centers, the Work Group recommends that the reimbursement formula be modified.

The recommended formula is for each of the juvenile detention homes to receive a base amount of \$100,000 and the remaining distribution will be an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the preceding fiscal year. It is in the best interest of Iowa's youth and Iowa's detention system that each juvenile detention home receive the base guaranteed reimbursement, which ensures that smaller detention centers can remain open despite detaining fewer youth. Keeping detention centers open across the state allows youth to remain closer to home, to their families, to their attorneys, and to their juvenile court officers. This increases families' and legal representations' access to the youth, and decreases the cost of travel for families, attorneys, juvenile court officers, and transportation by the sheriff's office.

The Iowa Detention Center Coalition (Coalition), representing eight of Iowa's nine detention homes, support this change to reimbursement policy, even though some of those detention homes will receive less state funding with this change. The Coalition prioritized protecting smaller detention centers because allowing them to remain open will keep youth closer to their homes, families, attorneys, and juvenile court officers while in detention. The Central Iowa Juvenile Detention Center opposes this change to reimbursement policy.

¹ Juvenile Detention Home Fund Report to the Iowa General Assembly, December 15, 2011; pursuant to 2011 Iowa Acts House File 649, Section 17. www.legis.iowa.gov/docs/publications/DF/14861.pdf

Graduated Sanction and Court-Ordered Services

In accordance with Iowa House File 766, Graduated Sanction Services is defined as “community-based interventions, school-based supervision, and supportive enhancements provided in community-based settings to an eligible child who is adjudicated delinquent or who is at risk of adjudication.” Court-Ordered Services “means the defined or specific care and treatment that is ordered by the court for an eligible child and for which no other payment source is available to cover the cost.”

The Work Group has considered the merit of transferring oversight of these funds, and has also identified the resources, policies, legal authority, staffing, contracting, procurement, data, and quality assurance capabilities needed for an agency to effectively administer Graduated Sanction and Court-Ordered Services.

The Work Group was also asked to consider the role of decategorized funds relative to other funding streams and services and to make recommendations regarding the future of that fund.

Throughout the course of its time meeting, the Work Group and Subcommittee received guidance from the Crime and Justice Institute (CJI) and reviewed the following documents that CJI prepared for Iowa:

1. Reinvestment Grants and Funding Structures for Evidence/Community-Based Services (**Attachment B**)
2. State Examples on Matching Programming and Treatment to Risk-Level (**Attachment C**)
3. Implementing Evidence-Based Programs and Practices (**Attachment D**)

The Work Group also reviewed a Data Summary provided by CJPJ showing the utilization of services by the juvenile justice and child welfare systems. (Service Utilization in Juvenile Justice and Child Welfare: A Data Summary, **Attachment E**)

Data show low-risk juvenile offenders in Iowa are receiving the majority of services. Research demonstrates low-risk youth are successful with minimal or no services, and moderate and high-risk youth are in need of additional services. The majority of the Graduated Sanction Services should be for moderate and high-risk youth.

Work Group Recommendations

The Work Group has considered the services provided by the Graduated Sanction and Court-Ordered Services funds and assessed the resources needed for their administration. The Work Group has determined that it is in the best interest of Iowa’s youth for these community-based services to be administered by State Court Administration in cooperation with Juvenile Court Services (JCS), which have the highest level of knowledge of the risks and needs of system youth.

The Work Group recommends that administration of Graduated Sanction and Court-Ordered funds transfer from DHS to SCA on July 1, 2021. \$147,590.60 should be added to Graduated Sanction Services to support the administration of the funds in FY2021.

The Work Group further recommends that the legislature extend the life of these funds to two (2) years.

The Work Group further recommends that Decategorization (Decat) funds remain with DHS and that no changes be made to either the oversight or use of those funds. Decat was designed to combine varied state appropriations into a single fund to support services that better meet the needs of youth and families by allowing local flexibility in how these funds are used. Decat has functioned to safely keep youth in their homes (preventing placement) by providing additional community-based services. The Work Group concludes that these funds are being utilized effectively and that the collaboration it encourages between child welfare and juvenile justice stakeholders is to the benefit of Iowa's youth.

Action Plan

Funding and Resources Needed for Transfer

In order to effectively administer Graduated Sanction and Court-Ordered Services funds, SCA will need additional staff and resources. Additional funds should be added to the Graduated Sanction appropriation to meet these needs; the funds should not be added to the general Judicial Branch appropriation.

SCA will need the following to administer the services and funds:

- To hire and retain 0.3 Assistant Legal Counsel to draft, review, and update contract language to be consistent with current case law;
- To hire and retain an Internal Auditor position who will serve as Quality Assurance or Model Fidelity Coordinator to ensure that programs utilized by providers across the state are adhering to best practices and to provide guidance and coaching in support of evidence-based or other high quality services;
- Transition assistance from DHS through and likely after July 1, 2021;
- Staff training from the Department of Administrative Services (DAS) on the i3 accounting system;
- To purchase and maintain contracting and procurement software; and
- Ongoing cooperation from DHS to maximize draw-down opportunities for federal funds, including those identified in the Family First Prevention Services Act (FFPSA) for juvenile justice candidates for foster care. DHS and SCA must work together to create a plan for requesting reimbursement for eligible services.

Funding is needed beginning July 1, 2020. If the Graduated Sanction appropriation is not increased by this amount annually, SCA will have to take these funds from the current appropriation amount, which will directly take money away from community-based services for youth. The additional annual appropriation needed is:

\$ 31,242.49	annually for 0.3 Assistant Legal Counsel
\$ 96,348.11	annually for 1.0 Internal Auditor (Quality Assurance Coordinator)
\$ 20,000.00	annually for administrative costs (contracting software, travel, training, etc.)
\$147,590.60	TOTAL

Statute and Rule Changes

Iowa Code section 232.141 establishes Graduated Sanction and Court-Ordered Funds. This statute will need to be amended to reflect the transfer of responsibility from DHS to SCA.

SCA will need Court Rules to establish guidelines for the administration of funds. The funds are currently governed by the Iowa Department of Human Services' Administrative Code 441-151.2, which may serve as a basis for new Court Rules. SCA will start the process for new Court Rules in July 2020. This will allow time for court review, public comment, and editing prior to an anticipated approval date of January 2021 and an effective date of July 1, 2021.

Timeline for Transfer

If legislation supporting this transfer passes during the 2020 legislative session, SCA should assume responsibility for the funds on July 1, 2021. This allows time for SCA to establish Court Rules, for SCA to hire new employees, and for SCA to obtain the needed contracting software.

Current contracts should be assigned from DHS to SCA to avoid the need for re-procurement. DHS should continue to pay claims on the contracts ending June 30, 2021, until those contracts are complete even though such payments will be made after the transfer on July 1, 2021.

Policy Recommendations

Extend the Life of Funds. The Work Group recommends that the funding for Graduated Sanction and Court-Ordered Services be extended to two (2) years. This ensures that Graduated Sanction and Court-Ordered Services funds are able to be utilized appropriately and that SCA is able to maximize funding to best serve Iowa's youth.

Focus on Moderate- and High-Risk Youth. The Work Group recommends that SCA create policies that will increase the use of community-based services while maintaining public safety. Policies must be research- and data-driven, support evidence-based programs, and include quality assurance to ensure that programming and treatment are appropriately matched to a youth's assessed risk-level and criminogenic needs. National research and best practice has shown that programming and treatment are most effective when they are targeted at the highest risk youth.

Invest in Evidence-Based Practices. The Work Group acknowledges that services that are evidence-based are expensive but believes these services yield a high return on investment. The implementation of evidence-based programs and best practices has associated costs, training requirements, and issues related to fidelity. These issues are compounded by implementation in rural, metro, and urban jurisdictions. Judicial districts should consider the utilization of state-level, standardized contracts to ensure fidelity to such programs and provide standardization related to implementation. State-level contracts may provide a level of efficiency to the implementation of services and relieve providers from responding to proposal requests from multiple judicial districts for the same service. The Work Group recommends including providers in conversations and policy-making regarding evidence-based programming and best practices in order to ensure appropriate reimbursement to providers in light of the increased up-front cost.

Provide Gender-Responsive Services for Deep-End Girls. The Work Group recognizes a crucial need for gender-responsive services. Girls make up 20% to 30% of the Iowa's juvenile justice system. Their numbers make it difficult to develop and implement programs. Their needs must be accommodated in state and local planning for Graduated Sanction funding. The Iowa Girls Justice Initiative, a planning group that met from 2015-17, provided recommendations to be implemented and guided by best practices. **(Attachment F)**

Provide Culturally-Appropriate Services for Youth of Color and Continue Work on Racial and Ethnic Disparities. The Work Group recognizes a crucial need for culturally-appropriate services to provide an equal continuum of care for all youth. Youth of color, particularly African-American youth, are overrepresented in all aspects of decision-making in Iowa's juvenile justice system. African-American youth are arrested at a rate nearly five times higher than White youth. Their recidivism rates are higher than White youth. Iowa's Juvenile Justice Systems Improvement (JJSI) grant produced a set of recommendations from national consultants, and these recommendations should be considered in the administration of Graduated Sanction funding.

- Work with the federal Office of Juvenile Justice and Delinquency Prevention and other national resource organizations with demonstrated reductions in racial and ethnic disparities to engage in an intensive process to address disparities in Iowa jurisdictions with overrepresentation
- Continue/strengthen quantitative and qualitative data collection, and utilize data to conduct root cause analyses to identify practices and factors leading to disparities
- Support/require training on implicit/explicit bias for attorneys, judges, and service providers
- Support/require training on gender responsiveness and trauma-informed care for JCOs and service providers; conduct gap analysis on programming for female youth; allocate funding accordingly

Group Foster Care

Group Foster Care offers a safe and protective structured living environment for youth who are considered unable to live in a family situation, but are able to interact in a community environment with varying degrees of supervision. Group Foster Care is utilized for juveniles who have been adjudicated to be either delinquent or as a child in need of assistance, serving both the juvenile justice and child welfare populations.

Pursuant to House File 766, the Work Group has considered the merit of transferring the oversight of Group Foster Care for delinquent youth, and has also identified the resources, policies, legal authority, staffing, contracting, procurement, data, and quality assurance capabilities needed for an agency to effectively administer and oversee the program and funds.

Additionally, the Work Group reviewed a Data Summary provided by CJJP showing the utilization of Group Care by the juvenile justice and child welfare systems. (Group Care in Juvenile Justice and Child Welfare: A Data Summary, **Attachment G**) The Work Group also received examples of Group Care funding structures in other states from CJJ. (State Examples of Group Care Funding Structures and Services, **Attachment H**²)

Work Group Recommendations

The Work Group recommends that administration of Group Foster Care funds for juvenile offenders transfer from DHS to SCA on July 1, 2023. The Work Group acknowledges that this timeline does not comport with the 2021 deadline set forth in the legislation, but believes that the deviation is needed to responsibly transfer the funds without disrupting safe and effective Group Care services to Iowa's youth.

Additionally and to prepare for the transfer of funds, the Work Group recommends that DHS and SCA enter into an MOU by June 30, 2020, to establish decision-making changes for juvenile justice youth in Group Foster Care. The recommended contents of this MOU are detailed in a previous section.

The Work Group recommends phasing in additional Group Foster Care appropriations to support the preparation for and administration of the services and funds.

Action Plan

Funding and Resources Needed for Transfer

Because Group Foster Care encompasses both child welfare youth and juvenile justice youth, the respective responsible entities – DHS and SCA – will need to work together to create a process to determine the percentage of Group Foster Care funds that should remain with DHS for child welfare youth and the percentage of funds that should be transferred to SCA for juvenile justice youth.

² This information was received after the Work Group had finalized its recommendations, but was reviewed and accepted prior to submission of this report.

In order to effectively administer Group Care services and funds for juvenile justice youth, SCA will need additional staff and resources. Additional funds should be added to the Group Care appropriation to meet these needs; the funds should not be added to the general Judicial Branch appropriation.

SCA will need the following to administer the services and funds:

- To hire and retain 0.5 Assistant Legal Counsel to draft, review, and update contract language to be consistent with current case law;
- To hire and retain 2 Accountant/Auditors to perform accounting and auditing work including pre-audit, verifying accuracy of claims, processing claims, and tracking payment for contracts;
- To hire and retain 2 Project Managers to develop RFPs, define project scopes, review claims, monitor contract progress, meet with decision-makers, and analyze contract effectiveness; and
- To hire and retain 1 Internal Auditor to serve as Quality Assurance or Model Fidelity Coordinator to ensure that programs utilized by providers across the state are adhering to best practices and to provide guidance and coaching in support of evidence-based or other high quality services.

Funding is needed beginning July 1, 2020, and will increase progressively until the transfer on July 1, 2023. If the Group Care appropriation is not increased by this amount annually, SCA will have to take these funds from the current Group Care funds, which will directly take money away from Group Foster Care services for youth. In addition to the Group Foster Care appropriation, these additional funds are needed by SCA for appropriate administration of the services:

FY2021	\$ 52,070.81	to hire 0.5 Assistant Legal Counsel
	\$ 20,000.00	for administrative costs
	\$ 72,070.81	Total FY2021
FY2022	\$ 52,070.81	to employ 0.5 Assistant Legal Counsel
	\$ 69,777.11	to hire 1.0 Accountant/Auditor
	\$ 82,806.89	to hire 1.0 Project Manager
	\$ 20,000.00	for administrative costs
	\$224,654.81	Total FY2022
FY2023	\$ 52,070.81	to employ 0.5 Assistant Legal Counsel
and beyond	\$ 69,777.11	to employ 1.0 Accountant/Auditor
	\$ 69,777.11	to hire 1.0 Accountant/Auditor
	\$ 82,806.89	to employ 1.0 Project Manager
	\$ 82,806.89	to hire 1.0 Project Manager
	\$ 96,348.11	to hire 1.0 Internal Auditor
	\$ 20,000.00	for administrative costs
	\$473,586.92	Total FY2023 and beyond

Administrative costs include such expenses as contracting and procurement software, licensing and IT support, travel, training, and other miscellaneous costs.

Statute and Rule Changes

Iowa Code Chapters 232, 234, 245, 247, and 238 address the Group Foster Care funds and need to be amended to reflect a future transfer on July 1, 2023.

Currently, the Iowa Department of Human Services' Administrative Code Chapters 441-112, 441-113, 441-114, and 441-152 address Group Foster Care. SCA will need Court Rules to administer the fund, and may utilize these code sections as a guide. SCA will start the process for new Court Rules in July 2022. This will allow time for court review, public comment, and editing prior to an anticipated approval date of January 2023 and an effective date of July 1, 2023.

Timeline for Transfer

DHS and SCA should enter into an MOU by June 30, 2020, to begin a transfer of decision-making authority from DHS to SCA for juvenile justice youth in Group Foster Care. The agencies should utilize the transition period to assess the inter-agency relationship, the needs of youth, and the concerns of Group Care providers.

The administration of Group Foster Care funds should transfer from DHS to SCA on July 1, 2023.

The extended timeline for the transfer of Group Foster Care funds is justified because of the number of active Group Care contracts and the typical 18-month procurement period. The agencies would not be able to prudently transfer the funds without a disruption in safety and services prior to July 1, 2023.

Policy Recommendations

The Work Group recommends the following for delinquent youth in Group Foster Care, whether or not the Legislature decides to transfer oversight of the program and funds from DHS to SCA:

- DHS and SCA should enter into an MOU by June 30, 2020, to plan for how the Group Foster Care dollars should be divided between the agencies, to aid in the transition of administration of Group Foster Care for juvenile offenders, and to address other MOU topics previously identified to ensure high quality services for Group Foster Care youth during the transition.
- During the existing contract and beyond, SCA should partner with current providers and experts to provide the most appropriate, high-quality interventions based on reducing criminogenic risk and need while enhancing the responsibility of the youth served.
- DHS and SCA should work with providers to ascertain which providers have the ability and interest in offering physically separate treatment for youth with high criminogenic needs from youth with lower criminogenic needs or those living with trauma, intellectual disabilities, or serious emotional disorders.
- There is a need for appropriate levels of care for high-risk delinquent girls, and SCA should seek input from group care providers interested in serving this population.

Quality Assurance Process

Continuous Quality Improvement

Continuous Quality Improvement (CQI) involves activities intended to ensure that an organization is providing the best possible service and engaging in the best possible practices. With CQI, organizations define and implement those services and practices, collect and analyze relevant information and use data to inform service and practice improvements. CQI is cyclical and ongoing.

Institute a CQI Process

While there are a variety of models for CQI, the Pennsylvania Commission on Crime and Delinquency has created the “Continuous Quality Improvement Guide for Juvenile Justice Organizations”, which lays out the process specific to juvenile justice services. It outlines the elements required during the preparatory phase or the ways to establish organizational readiness:

1. Strong leadership engagement at all levels
2. A common vision for quality improvement that is shared often with staff and stakeholders
3. A trusting environment where staff are supported in taking risks, being innovative and dealing with setbacks
4. Willingness to involve and empower staff
5. Devote time and commitment
6. Conduct a readiness assessment

It also provides a framework for conducting CQI:

- Step One – Develop a Quality Improvement Team
- Step Two – Operationalize the Intervention
- Step Three – Develop Service Delivery and Youth Outcome Objectives
- Step Four – Collect Quality Data
- Step Five – Utilize the Data to Identify Improvement Areas
- Step Six – Incorporate a Review Process to Sustain CQI

Funding and Resources Needed for CQI

Minimally, SCA should have two (2) FTE positions devoted to overseeing CQI. These positions are included in the request for funding for Graduated Sanction and Group Care appropriations. These Internal Auditor positions should serve as full time Quality Assurance or Model Fidelity Coordinators.

Data-Driven Tools

These are tools that are currently in use or development in Iowa that can further CQI work.

Case Management System (CMS) - CMS is the Judicial Branch case management system and is operated on local databases. The CMS captures information on juvenile justice and criminal justice cases. For purposes of administration relating to Iowa’s court system, Iowa’s 99 counties are organized into eight judicial districts. All eight judicial districts are entering and utilizing information from the CMS. As noted previously, the proposed effort would allow collection of more Standardized Program Evaluation Protocol (SPEP)TM-related dosage data through changes to the CMS.

Decision Matrix – This data-driven tool facilitates structured decision making along a graduated continuum. Using historical information, it weighs active offense severity along with risk to reoffend and advises system officials which level of supervision and type of services have been most effective for similarly situated youth in the past, thereby maximizing the chances of recidivism reduction. An Iowa tool has been developed and is currently being piloted in local jurisdictions to determine both validity and operational efficacy.

Effective Practices in Community Supervision (EPICS) – This evidence based model developed by the University of Cincinnati, is a continuation of the evidence based practices Juvenile Court Services has been implementing over the last decade which has included risk and needs assessment, risk factor based case plans and utilization of evidence based programming. EPICS is a model that closes that circle by guiding JCOs to be more directive in their appointments in order to include risk reduction activities and acute targeting of risk factors, rather than a primarily compliance based interaction. Work with youth around their particular risk factors, circumstances and actual anticipated scenarios from their own lives, as well as work on their motivation, will help them be more successful after probation and/or placement.

Iowa Delinquency Assessment (IDA) – Juveniles in Iowa are assessed via the short and/or long form IDA. This validated risk assessment tool is a best practice that has been an integral part of the majority of the reform work being done within the juvenile justice system in Iowa. The short form IDA is used primarily to assess a youth's risk to reoffend, while the long form IDA is intended for case planning purposes and identifies needs within twelve different domain areas. The information collected in the IDA allows Juvenile Court Services to:

- assess the youth's level of risk,
- assist in developing a case plan,
- direct the youth to appropriate services,
- assist in monitoring progress in reducing risk factors, and
- use a common language in discussing issues affecting youth and their families.

Justice Data Warehouse - The JDW is a central repository of key juvenile and criminal justice information from the Judicial Branch (JB) Case Management system (CMS) and also contains information from the Iowa Corrections Offender Network (ICON), which includes prison services and community-based corrections data. The overall mission of the JDW is to provide the various branches of government and other entities with improved statistical and decision support pertaining to justice system activities. The JDW is managed and maintained by CJJP. CJJP utilizes the JDW to generate the program/service dosage data as a result of the changes eventually sought in CMS.

Service Inventory – This universal, ongoing documentation of the service array in use for youth involved with Juvenile Court Services (JCS) includes both community-based and group care service information intended to be updated annually and entered into a single database to be available for further analysis. An inventory that is specific to each judicial district but collects the same type of information across all districts has a number of practical uses, including; gap analysis, being "SPEP™ ready", integration with the Decision Matrix, matching services to IDA domain areas they address, etc.

Standardized Program Evaluation Protocol (SPEP)™ – A validated, data driven rating instrument for determining how well an existing service matches research evidence for the effectiveness of that particular type of intervention in terms of reducing the recidivism of juvenile offenders. Developed by Dr. Mark Lipsey at Vanderbilt University, the SPEP operationalizes more than 700 research studies allowing practitioners to directly apply research to juvenile justice practice. It allows both brand name and non-

brand name services to be matched to a large body of research on service effectiveness. Once matched, the SPEP can be used to compare the key characteristics of a specific program to the characteristics the research shows to be associated with programs that are effective for reducing recidivism. Simply put, the SPEP serves as a practical way to evaluate services for juvenile offenders in a standardized, scientific, and sustainable manner.

Statute, Rule or Policy Changes

The use of a CQI process will be most effective if a universal baseline is standardized across all jurisdictions. As such, language that requires this could be included in statute, rule and/or policy.

Conclusion

Based on the information, data, and research collected and provided to the Work Group, the transfer of the oversight and administration of community-based and group care services and funding to the State Court Administrator and Juvenile Court Services will enhance the effectiveness of services for youth in the juvenile justice system. The advantages to transferring oversight include ensuring appropriate services are available, ensuring the quality and appropriateness of the services, and providing direct accountability for the services and funds.

Research shows that low-risk youth need few services and that moderate and high-risk youth are in need of the majority of services to prevent youth from committing future offenses. The coordination of community-based and group care services for juvenile offenders will allow for a comprehensive continuum of care where the level of service matches the unique needs of juvenile offenders - from the lowest-risk to the highest-risk youth.

If implemented, the recommendations in this report will improve public safety for all Iowans and ensure that youth in the juvenile justice system are safe, healthy, successful, and prepared for adulthood.