

CARE FOR JUVENILE FEMALES IN THE JUSTICE SYSTEM

Position Statement

NASW, Iowa Chapter, affirms the role of government in funding and ensuring the appropriate level of care for juvenile females involved in the corrections and/or human services systems.

Discussion

- *Background: Closure of the Iowa Juvenile Home*

The Iowa Juvenile Home in Toledo was a state-run secure facility which primarily provided residential treatment to juvenile females in the justice system. After a series of public allegations related to the extended use of long-term isolation rooms and the inadequate education of the residents, on August 20, 2013, Governor Branstad issued Executive Order 82; the order required that staff at the Iowa Juvenile Home to be trained in trauma informed treatment techniques, and that a Task Force be established to provide recommendations for improving care at the facility (Branstad, 2013). The Task Force subsequently made 10 recommendations, including that the Iowa Juvenile Home serve juvenile females only, that year-round education be provided through the local school district rather than the Iowa Department of Human Services (IDHS), and that the size of the training school be limited to 20 beds, used only as a last resort for services to delinquent girls (Foxhoven, 2013).

In December 2013, acting on behalf of the Governor, the IDHS announced that the Iowa Juvenile Home would be closed, and that alternative placements would be found for those juveniles residing at the facility. The Department stated that this action was taken to ensure that the youth at the facility would be provided licensed and/or accredited treatment (Iowa Department of Human Services, 2015). At the same time, the Governor disallowed the expenditure of those funds which had been legally appropriated for the operation of the Iowa Juvenile Home.

In January 2014, a legal challenge against the closure was brought to the Iowa District Court for Polk County, in the case of Homan, Hatch, Murphy, and Smith V. Branstad and Palmer. In February 2014, a district court judge ordered the re-opening of the Toledo home. The judge ruled that the Governor's unilateral action in closing the facility had violated the state law and the legislative process which had appropriated funds for the operation of the home. This judicial decision did not remedy the situation as the Governor initiated a subsequent appeal. As of January 2015, the Governor's appeal had not been heard by the Iowa Supreme Court.

During the 2014 legislative session, the House voted to re-appropriate the funds that were previously appropriated for Iowa Juvenile Home because the facility remained closed despite the court order.

- *Current issues: Private placements for delinquent females*

The Governor's action in closing the Iowa Juvenile Home, without regard to the legislative process, has led to the disruption of care for the 18 vulnerable juveniles who were residing at the facility. Since the closure, three of the juvenile females have been sent to out-of state facilities, three have been waived to adult court as their juvenile treatment options have been exceeded, and the remainder have been placed in youth shelters, detention facilities or mental health residential facilities (Kauffman, 2014). Without a secure, state-run facility to provide the appropriate high level of care that these youth need, their lives and treatment processes have been severely disrupted.

At the same time, the closure of the Iowa Juvenile Home has created a gender- biased system with unequal treatment for juvenile females. IDHS has placed the girls in private residential treatment centers and shelters under the assumption that these facilities are meeting the needs of the state's delinquent females. However, the evidence suggests otherwise. According to Chief Juvenile Court Officer Ruth Frush, sixty juvenile

females committed 101 criminal acts in the first six months of 2014 while being under the care of private residential and group home providers (Kaufman, 2014). Because private facilities afford lower levels of care and less-secure settings than what was provided at the Iowa Juvenile Home, many of the juvenile females had not had successful treatment outcomes. Additionally, closure of the state-run facility has left unequal treatment options for females and males: while the Iowa Juvenile Home in Toledo remains closed and no comparable facility exist to serve juvenile females, the state-run Juvenile Home in Eldora remains open to serve juvenile males.

- *Need for an appropriate treatment facility*

According to the district court judge, pending to outcome of the appeal, the Iowa Juvenile Home in Toledo should be re-opened, and changes should be made to improve to the quality of care for its residents, as outlined in the recommendations of the Task Force. Iowa needs a state-run, secure facility to meet the high-level treatment needs of delinquent girls who pose a threat to the safety and well being of the larger community. If the Iowa Juvenile Home is not re-opened, then the state needs to move forward in creating an alternative facility to address the needs of these youth, in a manner commensurate with that of their male counterparts.

Recommendations

NASW, Iowa Chapter recommends the following provisions:

- Ensure that juvenile females in need of a high level of care in a secure setting receive the treatment they need, comparable to that of their male counterparts.
- Appropriate funds to support the operations of the Iowa Juvenile Home in Toledo, or an equivalent state-run facility which provides a high level of care.

References

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