

October 9, 2013

Governor Terry E. Branstad
State Capitol; Room 101
1007 East Grand Avenue
Des Moines, Iowa 50319

Re: Iowa Juvenile Home Protection Task Force

Dear Governor Branstad:

It is my pleasure to present to you (enclosed) the report of the Iowa Juvenile Home Protection Task Force as required by Executive Order No. 82. On behalf of all five members of the Task Force, I want to thank you for placing your trust and confidence in us for this important task. Per your directions, we have focused our attention on the Iowa Juvenile Home issues with one over-riding goal: to make recommendations guided solely by the best interests of Iowa's youth. I believe that we have been successful in formulating findings and recommendations that will promote the best interests of Iowa's most vulnerable youth.

I will call your office to schedule an appointment so that I can answer any questions you will have concerning our report and to provide you with some insight into the transitions necessary to implement our recommendations.

Thank you again for appointing me and the other members to this important Task Force. It was a pleasure for all of us to be of service to the State of Iowa in this way.

Sincerely Yours,


Jerry R. Foxhoven, Chair

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Report of the Iowa Juvenile Home Protection Task Force

Task Force Members:

Professor Jerry Foxhoven, Chair,
Executive Director, Drake Legal Clinic.

Charles Palmer,
Director, Iowa Department of Human Services.

Dr. Mary Stevens,
Director of Special Education, Area Education Agency 267.

Dr. Mark R. Peltan,
Chairman, Council on Human Services.

Ron Stehl,
former Executive Director, Youth Homes of Mid-America

Date Submitted: October 9, 2013

I. Purpose of the Task Force.

On August 20, 2013, Governor Terry E. Branstad signed Executive Order Number Eighty-Two which: (1) declared that "...the interests of Iowa's youth are best served by holding the Iowa Juvenile Home to the same standards of restraints and use of control rooms as private comprehensive residential facilities for children..."; (2) ordered DHS to "...schedule trauma-informed care training for staff at the Iowa Juvenile Home within thirty (30) days..."; and (3) created the "Iowa Juvenile Home Protection Task Force" to be composed of no more than five (5) members to be appointed by the Governor.

Executive Order 82 directed that the Task Force perform the following functions:

- a. Make recommendations about how to improve services for residents;
(See Recommendations 1,3,5,6,8,9, and 10)
- b. Review incident data to ensure a high-level of care is delivered at the Iowa Juvenile Home;
(This occurred in meetings on September 18, 24, and 30th)
- c. Recommend a strategy for the permanent elimination of seclusion rooms outside the cottage setting;
(See Recommendation 4)
- d. Recommend a strategy outlining the transition of the Iowa Juvenile Home's education plan from being managed from the Department of Human Services to Area Education Agency 267;
(See Recommendation 2)
and
- e. Reach other goals and objectives as requested by the Office of the Governor.

The Executive Order further directed that the Task Force report its findings no later than October 15, 2013.

On the same day (August 20, 2013), the Governor appointed the following individuals to serve on the Iowa Juvenile Home Protection Task Force:

Prof. Jerry Foxhoven, *Exec. Dir., Drake Legal Clinic* (to serve as Chair);
Charles Palmer, *Dir., Iowa Department of Human Services*;
Dr. Mary Stevens, *Dir. of Special Education, Area Education Agency 267*;
Dr. Mark R. Peltan, *Chairman, Council on Human Services*;
Ron Stehl, *former Exec. Dir., Youth Homes of Mid-America*.

Pursuant to Executive Order Number Eighty-Two, the Iowa Juvenile Home Protection Task Force met on September 18, 2013, September 24, 2013, September

30, 2013, and October 7, 2013. All meetings were held open to the public pursuant to the terms of Iowa Code Chapter 21. The following comprises the report of the Task Force.

II. Findings.

The Task Force has reviewed many reports, heard the testimony of many witnesses, and has conducted background research and investigation individually as well. Based on the information obtained, the Task Force makes the following FINDINGS:

- The current provisions of the Iowa Code referring to the Iowa Juvenile Home (Chapter 232B) are out of date and (particularly *Iowa Code* §§ 233B.3 and 233B.7) do not properly describe the youth served by the IJH.
- The Iowa Juvenile Home serves many youth who have significant mental health and behavioral problems which have led to many prior placements before placement at IJH. The IJH is often viewed as the placement of last resort for the youth placed there.
- The Iowa Juvenile Home serves three distinct groups of youth: (1) Delinquent girls (as the State Training School for Girls); (2) Child-in-Need-of-Assistance (CINA) girls, and (3) CINA boys. The combination of delinquent and CINA youth makes it difficult to identify national standards that are applicable to govern the facility. If the facility were solely a facility for delinquent youth, the ACA standards could be applied to the facility.
- The combination of serving both boys and girls at the Iowa Juvenile Home is not conducive to an orderly operation of the facility and is not in the best interests of the girls or boys placed at the IJH. The research on gender-specific treatment for youth supports separate placements for girls and boys.
- The physical plant at the Iowa Juvenile Home is, in many respects, outdated and unsuitable for the use to which the IJH is put. The school has been updated and is an excellent facility, but the cottages are aged and designed in a way that does not allow for even basically adequate monitoring by staff.
- The “control rooms” in the support unit have an extreme “prison-like” appearance and contribute to the creation of the “corrections culture” that was prevalent at the Iowa Juvenile Home in the past. There seems to be an excessive number of control rooms for the facility population. While control

(or seclusion) rooms are a necessary part of any facility used for this population, the placement of the rooms away from the living units does not reflect current practice.

- The Iowa Juvenile Home has a long history of overuse of restraints and seclusion, and there has been a history of “corrections” culture at the facility. Pursuant to Executive Order Number Eighty-Two, the staff at the IJH has received training in “Trauma-Informed Care” in an attempt to change the culture at the IJH. The staff has also received training in developing skills in de-escalation, interaction skills in dealing with the behaviors of youth, as well as gender-responsive training. This change is transformative, and, as such, will require some time to be totally effective in changing the culture of the institution.
- Mark Day, who has served as the interim superintendent at the Iowa Juvenile Home, along with the staff at IJH have done an outstanding job of lowering the frequency of the use of restraints and seclusion and have taken a proactive approach in resolving many of the problems identified at the institution. Superintendent Day’s leadership has been a real asset to the institution and to the promotion of the best interests of the youth placed in the IJH. Staff at the facility have accepted this leadership and have been willing to make the “culture changes” necessary to provide a better environment for the youth placed at the IJH.
- There are a number of “outside checks and balances” that failed to discover the problems of overuse of seclusion and restraints identified by Disability Rights Iowa (DRI). DHS caseworkers and Juvenile Court Officers as well as the Attorneys/Guardians ad Litem did not provide the expected contacts and oversight that might have prevented the overuse of seclusion and restraints at the Iowa Juvenile Home. Only one in five attorneys/guardians ad litem for youth placed at the IJH have contact with their clients, in spite of the fact that the State Public Defender pays for travel time, mileage and meeting time for such visits.
- The educational system at the Iowa Juvenile Home is currently operated exclusively by the IJH. Its teachers are employees of the Iowa Department of Human Services. Other facilities have operated under three alternatives: (1) operation totally by the facility itself (as is currently done by the IJH); (2) operation on the campus (with some youth going to the local schools if possible) by the AEA; and (3) operation on the campus (with some youth going to the local schools if possible) by the local school district. Outside

control of the schools (by the AEA or the local school district) allows more accountability and separation of educational and treatment functions (and could allow for access to more funding) than is present when the school is solely operated by the institution itself.

- Many of the youth placed at the Iowa Juvenile Home have needs that cannot be met by the private providers in Iowa under the current payment scheme. One provider, Four Oaks, has carved out an “exception” with Magellan Behavioral Services, allowing enhanced payment for youth who have been at the IJH (or would otherwise be placed there). Under that payment “exception,” this provider has been able to commit to maintaining the placement of these youth without the resort to relying on the IJH for a placement of last resort under a “no reject, no eject” policy. Magellan is in the process of expanding this opportunity to other private providers.
- Funding for Child-in-Need-of-Assistance (CINA) youth is limited to state dollars when the youth are placed in a state institution like the Iowa Juvenile Home. However, if these same youth were placed in a facility operated by the private sector, funding would include Medicaid funds which would permit approximately 60% of the costs of care for these youth to be borne by the federal government with only about 40% borne by the State of Iowa for placement in mental health settings and receiving mental health services.
- Youth aging out of the Iowa Juvenile Home are not currently eligible for services for which youth aging out of private placements would be eligible, such as the Preparation for Adult Living Services (PALS) funding. Placing these youth in private placement facilities might allow these youth to access other funding sources upon aging out of care.

III. Recommendations.

The Task Force was directed to make recommendations based on one over-riding consideration: **the best interests of the youth served**. After reviewing the information obtained, the testimony received and accessing the expertise of the Task Force members, the Task Force makes the following recommendations which would be in the best interests of the youth:

1. The Iowa Juvenile Home (IJH) should be limited to serving girls. Boys should no longer be admitted to the IJH and the facility, if maintained, should be limited to a “girls-only” facility.

2. Operation of the school at the Iowa Juvenile Home should be conducted on a year-round basis, but should not be operated by the Iowa Department of Human Services. The school at IJH should be operated on campus by the local school district, and a sufficient level of funding for the operation of the school by the local school district must be assured. Operation of the school should include integration and collaboration between treatment and education.
3. There must be a placement of last resort for Delinquent Girls (a State Training School for Girls) similar to the Boy's Training School in Eldora. The Girl's State Training School should have a capacity of 20 beds. The long range number of beds needed should be determined based on a future needs assessment. That facility could either be on the Toledo campus or it could be placed elsewhere and could either be operated by the State of Iowa or by the private sector. The economic feasibility of the operation of such a small facility must be examined before making a decision as to the location or operation of a Girl's State Training School.
4. If the Girl's State Training School is to remain on the Toledo campus, the cottages currently on the campus should be replaced with living units that are designed per current standards and that minimize the opportunity for self-harm, and with seclusion rooms in the living units themselves. Once the new living units are constructed, the current "control" or "seclusion" rooms on the Toledo campus should be closed.
5. Any facility operated by the State of Iowa in Toledo should be subject to some type of third-party oversight or licensure, such as the American Correctional Association (ACA) accreditation. If the facility includes Child-in-Need-of-Assistance girls, the facility should be subject to the same type of oversight as private providers contracting with the State for placement of similar youth.
6. The State of Iowa should create a funding mechanism to allow private providers additional funding necessary to maintain the Child-in-Need-of-Assistance (CINA) youth (both boys and girls) in those private facilities near the home of the youth involved, if possible, similar to those funding arrangements made with Four Oaks (including enhanced funding along with a "no reject, no eject" agreement). The DHS should work with Magellan Behavioral Services and clinicians to assist in defining which youth would be eligible for enhanced funding under this arrangement. The goal should be to provide enough capacity with the private providers

to absorb the girls that would otherwise be placed at the Iowa Juvenile Home. Upon the resolution of these funding issues, and after the private providers have had sufficient time to increase capacity to serve the CINA youth normally served at the IJH (as well as those youth who are otherwise destined for future placement at the IJH), no more CINA youth should be placed at the IJH and the facility should only serve as the Girl's State Training School. This may be the perfect opportunity for the State to begin creating an "Integrated Health Home" for the children served by this funding arrangement.

7. Iowa Code Chapter 232B (particularly *Iowa Code* §§ 233B.3 and 233B.7) should be amended to properly describe the youth served by the IJH pursuant to the recommendations of the Task Force once these recommendations have been implemented. Once the appropriate code sections and rules have been amended, coordination must occur with the Judicial Branch to identify the correct placement procedures and criteria.
8. The Iowa Department of Human Services (DHS) and Juvenile Court Services should adopt and/or enforce policies requiring caseworkers and Juvenile Court Officers to have regular contact (both face-to-face contact and telephone contact) with the youth placed in out-of-home placements. Likewise, attorneys and guardians ad litem for youth should be subject to similar requirements. Juvenile Court Judges should require DHS caseworkers, Juvenile Court Officers and Attorneys and Guardians ad litem to report to the court concerning contacts with youth in out-of-home placements.
9. The DHS should work to amend rules and other impediments that prevent youth aging out of the Iowa Juvenile Home from eligibility for services available to youth aging out of private placements, such as the Preparation for Adult Living Services (PALS) funding.
10. The transition to the implementation of these recommendations should be done by ceasing all further intakes of Child-in-Need-of-Assistance youth to the Iowa Juvenile Home (except during the transitional period when capacity is built for alternate placements) and placing future youth to private provider placements, thereby preventing disruption to the youth currently residing at the IJH. No boys should be placed at the IJH, and the boys currently placed there should be moved to appropriate alternate facilities as soon as possible. The DHS should work with the judicial branch to make the transition as seamless as possible and to avoid any


unintended consequences. Likewise, Magellan Behavioral Services and the private providers will need a transitional period in order to develop contracts and standards and to build capacity to absorb the youth who currently are (or are destined to become) placed at the IJH.

IV. Conclusions.

The Iowa Juvenile Home Protection Task Force has completed its work pursuant to Executive Order Number Eighty-Two. Each member of the Task Force is confident that these recommendations are in the best interests of the youth of Iowa. The Task Force believes that these youth should be a priority and that every possible attempt should be made to fully implement the recommendations contained in this report.

All members of the Task Force further wish to thank Governor Branstad for his confidence in each member's experience and commitment to youth evidenced by appointment to this important Task Force. We have all worked hard to live up to the high expectations that were expressed by the Governor in Executive Order Number Eighty-Two, and we are honored to have provided this service to the State of Iowa.

Respectfully Submitted,



Jerry R. Foxhoven, Chair
Iowa Juvenile Home Protection Task Force