

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2457

"AN ACT TO AMEND THE JUVENILE CODE."

Amendment No. 1 to House Bill No. 2457.

Amend House Bill No. 2457 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Arkansas Code § 9-27-307 is amended to read as follows:
9-27-307. Venue.

(a)(1) Except as set forth in subdivisions (a)(2)-(4) of this section, a proceeding under this subchapter shall be commenced in the court of the county in which the juvenile resides.

(2) Proceedings may be commenced in the county where the alleged act or omission occurred in any of the following:

- (A) Nonsupport after establishment of paternity;
- (B) Delinquency; or
- (C) Dependency-neglect.

(3) Proceedings under the ~~Uniform Child Custody Jurisdiction Act, § 9-13-201 et seq. [repealed], or~~ Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., shall be commenced in the court provided by each of those subchapters.

(4) Adoptions and guardianships may be filed in a juvenile court that has previously asserted continuing jurisdiction of the juvenile.

(5) The judge of the circuit court may hear, adjudicate, or render any appropriate order with respect to any cause or matter pending in any juvenile proceeding over which he or she presides, subject to notice of the time, place, and nature of the hearing being given as may be required by law, by rule, or by order of the court, except for detention hearings under § 9-27-326 and probable cause hearings under § 9-27-315, no contested case may be tried outside the county of the venue unless the parties agree.

(b) Following adjudication, the court may on its own motion or on motion of any party transfer the case to the county of the juvenile’s residence when the provisions of the ~~Uniform Child Custody Jurisdiction Act, § 9-13-201 et seq. [repealed], or~~ Uniform Child-Custody Jurisdiction and Enforcement Act, § 9-19-101 et seq., do not apply.

SECTION 2. Arkansas Code § 9-27-316(g), concerning counsel for juveniles in dependency-neglect proceedings, is amended to read as follows:

(g)(1) The court may appoint a volunteer court-appointed special



advocate from a program which shall meet all state and national court-appointed special advocate standards to advocate for the best interest of juveniles in dependency-neglect proceedings.

(2) No court-appointed special advocate shall be assigned a case before:

(A) Completing a training program in compliance with National Court Appointed Special Advocate Association and state standards; and

(B) Being approved by the local court-appointed special advocate program which will include appropriate criminal background and child abuse registry checks.

(3) Each court-appointed special advocate shall:

(A)(i) Investigate the case to which he or she is assigned to provide independent factual information to the court through the attorney ad litem, ~~or through~~ court testimony, ~~and~~ or court reports.

(ii) The court-appointed special advocate may testify if called as a witness.

(iii) When the court-appointed special advocate prepares a written report for the court, the advocate shall provide all parties or the attorney of record with a copy of the written report seven (7) business days prior to the relevant hearing; and

(B) Monitor the case to which he or she is assigned to ensure compliance with the court's orders; ~~and.~~

~~(C) Assist the attorney ad litem in representing the juvenile's best interests.~~

(4) Upon presentation of an order of appointment, a court-appointed special advocate shall be provided access to all records relevant to the juvenile's case, including, but not limited to, school records, medical records, juvenile court records, and department records to the extent permitted by federal law.

(5) A court-appointed special advocate is not a party to the case to which he or she is assigned and shall not call witnesses or examine witnesses.

(6) A court-appointed special advocate shall not be liable for damages for personal injury or property damage, pursuant to § 16-6-101 et seq.

(7) Except as provided by this subsection, a court-appointed special advocate shall not disclose any confidential information or reports to anyone except as ordered by the court or otherwise provided by law.

SECTION 3. Arkansas Code § 9-27-318(i), concerning transfer of juvenile cases to the criminal division of circuit court, is amended to read as follows:

(i) Upon a finding by the criminal division of circuit court that a juvenile age fourteen (14) ~~or fifteen (15)~~ through seventeen (17) and charged with the crimes in subdivision (c)(2) of this section should be transferred to the juvenile division of circuit court, the ~~judge~~ criminal division of circuit court ~~shall~~ may enter an order to transfer as an extended juvenile jurisdiction case.

SECTION 4. Arkansas Code § 9-27-323 is amended to read as follows:
9-27-323. Diversion - Conditions - Agreement - Completion.

(a) If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a delinquency case is in the best interests of the juvenile and the community, the officer may, with the consent of the juvenile and his parent, guardian, or custodian, attempt to make a satisfactory diversion of a case.

(b) If the intake officer determines that a diversion of a family in need of services case is in the best interest of the juvenile and the community, the officer may, with the consent of the petitioner, juvenile and his or her parent, guardian, or custodian, attempt to make a satisfactory diversion of a case.

(c) In addition to the requirements of subsections (a) and (b) of this section, a diversion of a case is subject to the following conditions:

(1) The juvenile has admitted his or her involvement in:

(A) A delinquent act for a delinquency diversion; or

(B) A family in need of services act for a family in need of services diversion;

(2) The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication;

(3) Any diversion agreement shall be entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney, or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel;

(4) The diversion agreement shall provide for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed six (6) months;

(5) All other terms of a diversion agreement shall not exceed nine (9) months;

(6) The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.

(d)(1) The terms of the diversion agreement shall:

(A) Be in writing in simple, ordinary, and understandable language;

(B) State that the agreement was entered into voluntarily by the juvenile;

(C) Name the attorney or other person who advised the juvenile upon the juvenile's entering into the agreement; and

(D) Be signed by all parties to the agreement, and by the prosecuting attorney if it is a delinquency case and the offense would constitute a felony if committed by an adult or a family in need of services case, pursuant to § 6-18-222.

(2) A copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian, and the intake officer, who shall retain the copy in the case file.

(e) Diversion agreements shall be limited to providing for:

(1) Nonjudicial probation under the supervision of the intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his conduct and activities; and

(2) Participation in a court-approved program of education, counseling, or treatment; and

(3) Participation in a court-approved teen court ~~in a delinquency case.~~

(f)(1) If a diversion of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed only during the period for which the agreement was entered into.

(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.

(g) The diversion agreement may be terminated and the prosecuting attorney in a delinquency case or the petitioner in a family in need of services case may file a petition if at any time during the agreement period:

(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;

(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;

(3) The juvenile appears unable or unwilling to benefit from the diversion process; or

(4) The intake officer becomes apprised of new or additional information which indicates that further efforts at diversion would not be in the best interests of the juvenile or society.

(h) Upon the satisfactory completion of the diversion period:

(1) The juvenile shall be dismissed without further proceedings;

(2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and

(3) The complaint and the agreement, and all references thereto, may be expunged by the court from the juvenile's file.

(i)(1) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee.

(2) The diversion fee shall not exceed twenty dollars (\$20.00) per month to the juvenile division of circuit court.

(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.

(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly in the county treasury of the county where the fees are collected and in which diversion services are provided.

(5) The diversion fees shall be deposited in the account with the juvenile service fees under § 16-13-326.

(j)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one of the counties in the district as the depository of all juvenile fees collected in the district.

(2) The treasurer so designated by the court shall maintain a separate account of the juvenile fees collected and expended in each county in the district.

(3) Money remaining at the end of the fiscal year shall not revert to any other fund, but shall carry over to the next fiscal year.

(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in their district plan pursuant to Arkansas

Supreme Court Administrative Order Number 14, originally issued April 6, 2001, and the quorum court of the county, to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.

SECTION 5. Arkansas Code § 9-27-329(f), concerning disposition hearings, is amended to read as follows:

(f) At the disposition hearing, the court may admit into evidence any victim impact statements and studies or reports which have been ordered, even though they are not admissible at the adjudication hearing.

SECTION 6. Arkansas Code § 9-27-330 is amended to read as follows:
9-27-330. Disposition - Delinquency - Alternatives.

(a) If a juvenile is found to be delinquent, the court may enter an order making any of the following dispositions based upon the best interest of the juvenile:

(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of delinquent juveniles or to a relative or other individual;

(B)(i) Commit the juvenile to a youth services center using the risk assessment system for Arkansas juvenile offenders distributed and administered by the Administrative Office of the Courts.

(ii) The risk assessment may be modified by the Juvenile Committee of the Arkansas Judicial Council with the Division of Youth Services of the Department of Human Services.

(iii) In an order of commitment, the court may recommend that a juvenile be placed in a community-based program instead of a youth services center and shall make specific findings in support of such a placement in the order.

(iv) Upon receipt of an order of commitment with recommendations for placement, the Division of Youth Services of the Department of Human Services shall consider the recommendations of the committing court in placing a youth in a youth services facility or a community-based program.

(v) The committing court may place the juvenile on probation and require the juvenile to follow the terms of probation or the terms the Division of Youth Services of the Department of Human Services aftercare plan upon release from Division of Youth Services of the Department of Human Services;

~~(C) In all cases in which both commitment and transfer of legal custody are ordered by the court in the same order, transfer of custody will be entered only upon compliance with the provisions of §§ 9-27-310—9-27-312, 9-27-316, 9-27-327, and 9-27-328;~~

(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations and order counseling or treatment necessary for the treatment and rehabilitation of the juvenile;

(3) Grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court and that no further services or periodic reviews are required;

(4)(A) Place the juvenile on probation under those conditions and limitations that the court may prescribe pursuant to § 9-27-339(a).

(B)(i) In addition, the court shall have the right, as a term of probation, to require the juvenile to attend school or make satisfactory progress toward a general educational development certificate.

(ii) The court shall have the right to revoke probation if the juvenile fails to regularly attend school or if satisfactory progress toward a general educational development certificate is not being made;

(5) Order a probation fee, not to exceed twenty dollars (\$20.00) per month, as provided in § 16-13-326(a);

(6) Assess a court cost of no more than thirty-five dollars (\$35.00) to be paid by the juvenile, his parent, both parents, or his guardian;

(7)(A) Order restitution to be paid by the juvenile, a parent, both parents, the guardian, or his custodian.

(B) If the custodian is the State of Arkansas, both liability and the amount which may be assessed shall be determined by the Arkansas State Claims Commission;

(8) Order a fine of not more than five hundred dollars (\$500) to be paid by the juvenile, a parent, both parents, or the guardian;

(9) Order that the juvenile and his parent, both parents, or the guardian perform court-approved volunteer service in the community, designed to contribute to the rehabilitation of the juvenile or to the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;

(10)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-approved parental responsibility training program, if available.

(B) The court may make reasonable orders requiring proof of completion of the training program within a certain time period and payment of a fee covering the cost of the training program.

(C) The court may provide that any violation of such orders shall subject the parent, both parents, or the guardian to the contempt sanctions of the court;

(11)(A)(i) Order that the juvenile remain in a juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

(ii) The court may further order that the juvenile be eligible for work release or to attend school or other educational or vocational training.

(B) The juvenile detention facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents;

(12) Place the juvenile on residential detention with electronic monitoring, either in the juvenile's home or in another facility as ordered by the court;

(13)(A) Order the parent, both parents, or the guardian of any juvenile adjudicated delinquent and committed to a youth services center, ~~or~~ detained in a juvenile detention facility, or placed on electronic monitoring to be liable for the cost of the commitment, ~~or~~ detention, or electronic monitoring.

(B)(i) The court shall take into account the financial ability of the parent, both parents, or the guardian to pay for the

commitment, detention, or ~~foster care~~ electronic monitoring.

(ii) The court shall take into account the past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.

(iii) The court shall take into account, if the parent is a noncustodial parent, the opportunity the parent has had to correct the delinquent juvenile's conduct.

(iv) The court shall take into account any other factors the court deems relevant; or

(14)(A) Order the Department of Finance and Administration to suspend the driving privileges of any juvenile adjudicated delinquent.

(B) The order shall be prepared and transmitted to the department within twenty-four (24) hours after the juvenile has been found delinquent and is sentenced to have his driving privileges suspended.

(C) The court may provide in the order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school or for other circumstances.

(b) The juvenile court shall specifically retain jurisdiction to amend or modify any orders entered pursuant to ~~subdivisions (a)(4) (12)~~ of this section.

(c)(1) If a juvenile is adjudicated delinquent for possession of a handgun, as provided in § 5-73-119, or criminal use of prohibited weapons, as provided in § 5-73-104, or possession of a defaced firearm, as provided in § 5-73-107, the court shall commit the juvenile:

(A) To a juvenile detention facility, as provided in subdivision (a)(11) of this section; or

(B) To a youth services center operated by the Department of Human Services State Institutional System Board, as provided in subdivision (a)(1) of this section; or

(C) Place the juvenile on residential detention, as provided in subdivision (a)(12) of this section.

(2) The court may take into consideration any preadjudication detention period served by the juvenile and sentence the juvenile to time served.

(d)(1) When the court orders restitution pursuant to subdivision (a) (7) of this section, the court shall consider the following:

(A) The amount of restitution may be decided:

(i) If the juvenile is to be responsible for the restitution, by agreement between the juvenile and the victim; or

(ii) If the parent or parents are to be responsible for the restitution, by agreement between the parent or parents and the victim; or

(iii) If the juvenile and the parent or parents are to be responsible for the restitution, by agreement between the juvenile, his parent or parents, and the victim; or

(iv) At a hearing at which the state must prove the restitution amount by a preponderance of the evidence;

(B) Restitution shall be made immediately, unless the court determines that the parties should be given a specified time to pay or should be allowed to pay in specified installments;

(C)(i) In determining if restitution should be paid and by whom, as well as the method and amount of payment, the court shall take into

account:

(a) The financial resources of the juvenile, his or her parent, both parents, or the guardian, and the burden such payment will impose with regard to the other obligations of the paying party;

(b) The ability to pay restitution on an installment basis or on other conditions to be fixed by the court;

(c) The rehabilitative effect of the payment of restitution and the method of payment; and

(d) The past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct;

(ii)(a) The court shall take into account if the parent is a noncustodial parent.

(b) The court may take into consideration the opportunity the parent has had to correct the delinquent juvenile's conduct; and

(iii) The court shall take into account any other factors the court deems relevant.

(2) If the juvenile is placed on probation, any restitution ordered under this section may be a condition of the probation.

(e) When an order of restitution is entered, it may be collected by any means authorized for the enforcement of money judgments in civil actions, and it shall constitute a lien on the real and personal property of the persons and entities the order of restitution is directed upon in the same manner and to the same extent as a money judgment in a civil action.

(f)(1) The judgment entered by the court may be in favor of the state, the victim, or any other appropriate beneficiary.

(2) The judgment may be discharged by a settlement between the parties ordered to pay restitution and the beneficiaries of the judgment.

(g) The court shall determine priority among multiple beneficiaries on the basis of the seriousness of the harm each suffered, their other resources, and other equitable factors.

(h) If more than one (1) juvenile is adjudicated delinquent of an offense for which there is a judgment under this section, the juveniles are jointly and severally liable for the judgment unless the court determines otherwise.

(i)(1) A judgment under this section does not bar a remedy available in a civil action under other law.

(2) A payment under this section must be credited against a money judgment obtained by the beneficiary of the payment in a civil action.

(3) A determination under this section and the fact that payment was or was not ordered or made are not admissible in evidence in a civil action and do not affect the merits of the civil action.

(j) If a juvenile is adjudicated delinquent as an extended juvenile jurisdiction offender, the court shall enter the following dispositions:

(1) Order any of the juvenile delinquency dispositions authorized by this section; and

(2) Suspend the imposition of an adult sentence pending juvenile court review.

SECTION 7. Arkansas Code § 9-27-331(a)(1), concerning an order of commitment, is amended to read as follows:

(a)(1) A commitment to the Division of Youth Services of the

Department of Human Services is for an indeterminate period not to exceed the ~~eighteenth birthday of a juvenile~~ juvenile's twenty-first birthday, except as otherwise provided by law.

SECTION 8. Arkansas Code § 9-27-332 is amended to read as follows:
9-27-332. Disposition - Family in need of services - Generally.

~~(a)~~ If a family is found to be in need of services, the court may enter an order making any of the following dispositions:

(1)(A)(i) Order family services.

(ii)(a) At least five (5) working days prior to ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services, the court shall fax a written notice of intent to the Director of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.

(b) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.

~~(c) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void. The court shall not order the Department of Human Services to pay for or provide family services until the Department of Human Services and the parties have had an opportunity to present evidence and arguments regarding the services.~~

(B)(i) In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services.

(ii) This determination and the evidence supporting it shall be made in writing in the order ordering family services.

(iii) If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received.

(iv) For purposes of this subsection:

(a) "Periodically" means a period of time no greater than once per month; and

(b) Further, that "parent, guardian, and custodian" means the individual or individuals from whom custody was removed.

(v) In making its determination, the court shall consider the following factors:

(a) The financial ability of the parent, both parents, the guardian, or the custodian to pay for such services;

(b) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and

(c) Any other factors that the court deems relevant;

(2)(A) If it is in the best interest of the juvenile, transfer custody of juvenile family members to the department, to another licensed agency responsible for the care of juveniles, or to a relative or other

individual.

(B) If the court grants custody of the juvenile to the department, the juvenile shall be placed in a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined at § 9-28-402(12);

(3) Grant permanent custody to an individual upon proof:

(A) That the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court; or

(B) That no reunification services should be required to reunite the juvenile with his or her parent or parents and that no further services or periodic reviews are required;

(4)(A) Order that the parent, both parents, or the guardian of the juvenile attend a court-ordered parental responsibility training program, if available.

(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program.

(C) The court may provide that any violation of such orders shall subject the parent, both parents, or the guardian to contempt sanctions of the court;

(5) Place the juvenile on residential detention with electronic monitoring in the juvenile's home;

(6) Order the juvenile, his or her parent, both parents, or guardian to perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or the ability of the parent or guardian to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours;

(7)(A) Place the juvenile on supervision terms including, but not limited to, requiring the juvenile to attend school or make satisfactory progress toward a general education development certificate, requiring the juvenile to observe a curfew, and prohibiting the juvenile from possessing or using any alcohol or illegal drugs.

(B) The supervision terms shall be in writing.

(C) The supervision terms shall be given to the juvenile and explained to the juvenile and to his or her parent, guardian, or custodian by the juvenile intake or probation officer in a conference immediately following the disposition hearing;

(8)(A) Order a fine not to exceed five hundred dollars (\$500) to be paid by the juvenile, a parent, both parents, a guardian, or a custodian when the juvenile exceeds the number of excessive unexcused absences provided for in the student attendance policy of the district or the State Board of Workforce Education and Career Opportunities.

(B) The purpose of the penalty set forth in this section is to impress upon the parents, guardians, or persons in loco parentis the importance of school or adult education attendance, and the penalty is not to be used primarily as a source of revenue.

(C)(i) In all cases in which a fine is ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay for the fine.

(ii) In making its determination, the court shall consider the following factors:

(a) The financial ability of the parent, both

parents, the guardian, or the custodian to pay for such services;

(b) The past efforts of the parent, both parents, the guardian, or the custodian to correct the conditions that resulted in the need for family services; and

(c) Any other factors that the court deems relevant.

(D) When practicable and appropriate, the court may utilize mandatory attendance to such programs as well as community service requirements in lieu of a fine;

(9) Assess a court cost of no more than thirty-five dollars (\$35.00) to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian; and

(10) Order a juvenile service fee not to exceed twenty dollars (\$20.00) a month to be paid by the juvenile, his or her parent, both parents, the guardian, or the custodian.

~~(b) For purposes of this section, the court shall not specify a particular provider for placement or family services.~~

SECTION 9. Arkansas Code § 9-27-334 is amended to read as follows:
9-27-334. Disposition - Dependent-neglected - Generally.

(a) If a juvenile is found to be dependent-neglected, the court may enter an order making any of the following dispositions:

(1)(A) Order family services.

(B)(i) At least five (5) working days prior to ordering the Department of Human Services, excluding community-based providers, to provide or pay for family services in any case in which the department is not a party, the court shall fax a written notice of said intent to the Director of the Department of Human Services and to the attorney of the local Office of Chief Counsel of the Department of Human Services.

(ii) At any hearing in which the department is ordered to provide family services, the court shall provide the department with the opportunity to be heard.

~~(iii) Failure to provide at least five (5) working days' notice to the department renders any part of the order pertaining to the department void~~ The court shall not order to the Department of Human Services to pay for or provide family services until the Department of Human Services and the parties have had an opportunity to present evidence and arguments regarding such services;

(2)(A) If it is in the best interest of the juvenile, transfer custody of the juvenile to the department, to another licensed agency responsible for the care of juveniles, or to a relative or other individual.

(B) If the court grants custody of the juvenile to the department, the juvenile shall be placed in a licensed or approved foster home, shelter, or facility or an exempt child welfare agency as defined at § 9-28-402(12);

(3) If it is in the best interest of the juvenile, grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court or upon proof that no reunification services should be required to reunite the juvenile with his or her parent or parents and that no further services or periodic reviews are required; or

(4)(A) Order that the parent, both parents, or the guardian of

the juvenile attend a court-ordered parental responsibility training program, if available.

(B) The court may make reasonable orders requiring proof of completion of such a training program within a certain time period and payment of a fee covering the cost of the training program.

(C) The court may provide that any violation of the orders shall subject the parent, both parents, or the guardian to contempt sanctions of the court.

(b) Such an order of custody shall supersede an existing court order of custody and shall remain in full force and effect until a subsequent order of custody is entered by a court of competent jurisdiction.

~~(c) For purposes of this section, the court shall not specify a particular provider for placement or family services.~~

SECTION 10. Arkansas Code 9-27-501 is amended to read as follows:
9-27-501. Extended juvenile jurisdiction designation.

(a) The state may request an extended juvenile jurisdiction designation in a delinquency petition or file a separate motion if the:

(1) Juvenile, under the age of thirteen (13) at the time of the alleged offense, is charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, and the state has overcome presumptions of lack of fitness to proceed and lack of capacity as set forth in § 9-27-502;

(2)(A) Juvenile, age thirteen (13) at the time of the alleged offense, is charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102.

(B) However, juveniles age thirteen (13) at the time of the alleged offense shall have an evaluation pursuant to § 9-27-502 and the burden will be upon the juvenile to establish lack of fitness to proceed and lack of capacity; ~~or~~

(3) Juvenile, age fourteen (14) or fifteen (15) at the time of the alleged offense, is charged with any of the crimes listed in § 9-27-318(b) and (c)(2); ~~or~~

(4) Juvenile, age sixteen (16) or seventeen (17) at the time of the alleged offense, is charged with any of the crimes listed in § 9-27-318(b)(1) and (c)(2).

(b) The juvenile's attorney may file a motion to request extended juvenile jurisdiction if the state could have filed pursuant to subsection (a) of this section.

SECTION 11. Arkansas Code 16-13-326 is amended to read as follows:
16-13-326. Fee - Disposition of funds.

(a)(1) The judge of the juvenile division of ~~chancery~~ circuit court may charge a juvenile a fee, not to exceed twenty dollars (\$20.00) per month, for services provided to juveniles by the court.

(2) The court shall have the authority to direct that such fee shall be collected by either the juvenile officer, the sheriff, or the clerk of the juvenile division of the ~~chancery~~ circuit court for the county in which such fee is charged.

(b)(1) The officer designated by the court to collect juvenile fees shall deposit such fees, ~~not less frequently than once every calendar month,~~ weekly in the county treasury of the county where the fees are collected in which probation services are provided.

(2)(A) However, in judicial districts having more than one (1) county, the judge ~~of the juvenile division of chancery court in each such district~~ may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile and diversion fees collected in the district.

(B) The treasurer so designated by the court shall maintain a separate account of the juvenile and diversion fees collected in each county in the district.

(C) Money remaining at the end of the fiscal year shall not revert to any other fund, but shall carry over to the next fiscal year.

(c) The funds derived from the collection of juvenile fees shall be used, by agreement of the ~~juvenile division of chancery court~~ judge or judges of the circuit court designated to hear juvenile cases in their district plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001, and the quorum court of the county, to provide services and supplies to juveniles at the discretion of the juvenile division of ~~chancery circuit~~ court."

The Amendment was read
By: Representative Martin
PBB/APK - 031720030921
ONE333

Chief Clerk