

*As Engrossed: 3/25/93*

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Pollan**

# A Bill

**HOUSE BILL 2069**

## For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE GOVERNOR TO CREATE A DIVISION OF  
9 YOUTH SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES;  
10 AND FOR OTHER PURPOSES."

## Subtitle

13 "TO AUTHORIZE THE GOVERNOR TO CREATE A DIVISION OF YOUTH  
14 SERVICES WITHIN THE DEPARTMENT OF HUMAN SERVICES."

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 *SECTION 1. The General Assembly recognizes that the state has a*  
19 *responsibility to provide the youth of this state with appropriate services*  
20 *and preventative programs that will help decrease the number of juvenile*  
21 *offenders in the state and create a better future for the state's youth, and*  
22 *that reforms in the juvenile justice system require oversight by an*  
23 *organization with special expertise in the problems of juvenile offenders.*  
24 *Therefore, it is declared to be the intent of this General Assembly to*  
25 *authorize the Governor to evaluate the current structure of services for youth*  
26 *and to create a new division within the Department of Human Services solely*  
27 *for the purpose of interfacing with the juvenile justice system.*

29 *SECTION 2. (a) By July 1, 1993, the Governor shall evaluate*  
30 *effectiveness of the Division of Children and Family Services within the*  
31 *Department of Human Services in regard to its responsibilities toward Arkansas*  
32 *youths involved with the juvenile justice system. Upon completion of this*  
33 *evaluation, the Governor may approve the establishment of a new division*  
34 *within the Department of Human Services devoted entirely to handling the*  
35 *problems of youths involved with the juvenile justice system.*

1           (b) Upon creation of the Division of Youth Services, any and all  
2 statutory authority, powers, duties, functions, records, authorized positions,  
3 property, unexpended balances of appropriations, allocations or other funds of  
4 the Division of Children and Family Services, Department of Human Services for  
5 the purposes set forth in this act shall be transferred to a newly created  
6 division within the Department of Human Services. The new division shall  
7 thereafter be known as the "Division of Youth Services."

8           (c) The Governor may appoint the director of the newly created  
9 "Division of Youth Services".

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11           SECTION 3. (a) Upon the creation of the Division of Youth Services,  
12 the division shall coordinate communication between the various components of  
13 the juvenile justice system, oversee reform of the State's juvenile justice  
14 system, provide services to delinquent and Families-In-Need-of-Services (FINS)  
15 youth, conduct research into the causes, nature and treatment of juvenile  
16 delinquency and related problems, develop programs for early intervention and  
17 prevention of juvenile delinquency, maintain information files on juvenile  
18 delinquents in the state, actively pursue the maximization of federal funding  
19 for juvenile delinquency and related programs, and evaluate the effectiveness  
20 and efficiency of the programs and services offered by the division and  
21 recommend changes to the Governor.

22           (b) In addition to other duties enumerated in this act, the Division of  
23 Youth Services shall provide services as follows:

24                   (1) The Civilian Student Training Program shall provide services  
25 to youth which shall consist of, but not be limited to, school re-integration  
26 counseling, tutoring, job placement counseling, corrective behavior skill  
27 counseling and training.

28                   (2) Case management services will include, but not be limited to,  
29 making placement recommendations to court authorities, and arrangement,  
30 coordination and monitoring of services for a juvenile. These services may be  
31 acquired by grant agreements with community providers or such other agencies  
32 or individuals.

33                   (3) Client specific services shall consist of, but not be limited  
34 to, independent living, tracker or proctor services, family or individual  
35 therapy, individualized treatment or supportive care services. These services

1 may be acquired by grant agreements with community providers or such other  
2 agencies or individuals deemed professionally capable to deliver the required  
3 services.

4           (4) Serious offender programs, for youth charged with violent  
5 offenses, shall consist of an appropriate residential treatment program at the  
6 Alexander Youth Services campus, or other state facilities as appropriate, and  
7 up to five (5) less restrictive wilderness or community programs selected by  
8 the Director of the Division of Youth Services for youth not deemed at risk of  
9 performing violent offenses. Wilderness or community programs may be acquired  
10 by grant agreements with entities or agencies deemed appropriate and capable  
11 of providing such services.

12           (5) Observation and assessment services shall consist of, but not  
13 be limited to, those activities necessary to ensure appropriate  
14 recommendations for intervention, services and placement of low and medium  
15 risk juveniles. Observation and assessment services may be acquired by grant  
16 agreements with community providers or such other agencies or individuals  
17 deemed to have the appropriate level of expertise to perform observation and  
18 assessment, or diagnosis and evaluation.

19           (6) Residential Observation and Assessment Services shall consist  
20 of, but not be limited to, those activities necessary to ensure appropriate  
21 recommendations for intervention, services and placement of high risk  
22 juveniles. Residential Observation and Assessment Services may be performed  
23 by or at appropriate state operated facilities or by grant agreement with  
24 appropriate agencies or individuals deemed to have the appropriate level of  
25 expertise to perform residential observation and assessment, or diagnosis and  
26 evaluation.

27           (7) Community-Based Alternatives - Basic Services shall consist  
28 of, but not be limited to, prevention, intervention, casework, treatment,  
29 counseling, observation and assessment, case management and residential  
30 services. Primary goals for community-based alternatives - basic services  
31 shall be prevention of youth from entering the Juvenile Justice system and the  
32 provision of professional, community-based, least-cost services to youth.  
33 These services shall be acquired by grant agreements with local, community  
34 providers and such other agencies or individuals deemed professionally capable  
35 and appropriate to deliver such services.

1           (8) Expanded services may consist of, but not be limited to,  
2 expansion of existing programs, specific programs for alcohol, drug or sex  
3 offenders, special therapeutic treatment programs, or client specific services  
4 where a consistent population has been defined as in need of multi-discipline  
5 care and services, and expansion of proven, effective early intervention and  
6 prevention program activities. Utilization of funds appropriated for expanded  
7 services shall be as directed by the Director of the Division of Youth  
8 Services who shall first obtain the consent of the Governor for the specific  
9 use of such funds.

10           (c) Appropriations and funds provided in this Act, with the approval of  
11 the Governor, may be utilized as match for federal funds for the provision of  
12 services to youth. The Division of Youth Services shall be expected to  
13 maximize its utilization of federal funds to benefit the youth of Arkansas.

14           (d) The Division of Youth Services, upon receiving approval of the  
15 Governor and in coordination with the Youth Service Board, shall make every  
16 effort to maximize services to the youth of Arkansas by the Alexander Youth  
17 Services Center and the Pine Bluff Youth Center. This may include the closing  
18 of one (1) or both centers and/or the redirection of their programming or  
19 resources assigned to either or both centers to other areas of services to  
20 youth.

21           (e) Upon creation of the Division of Youth Services, the division shall  
22 promulgate rules and regulations as necessary to administer this act; and  
23 regulations shall be reviewed by the Joint Committee on Children and Youth.

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25           SECTION 4. (a) Upon determination by the Governor that a reallocation  
26 of resources is necessary for the efficient and effective implementation of  
27 the restructuring of the child welfare system, the Director of the Department  
28 of Human Services, under the direction of the Governor, shall have the  
29 authority to request, from the Chief Fiscal Officer of the State, a transfer  
30 of appropriations established in this act, and positions established by this  
31 act and/or funds provided herein, between appropriations and funds within the  
32 Department of Human Services as required to implement changes in the child  
33 welfare system. The Chief Fiscal Officer of the State, prior to approving the  
34 request, shall submit his recommendation to the Arkansas Legislative Council  
35 for its review.

1           (b) If it is determined that the requested transfer should be made, the  
2 Chief Fiscal Officer of the State shall initiate the necessary documents to  
3 reflect the transfer upon the fiscal records of the State Treasurer, the State  
4 Auditor, the Chief Fiscal Officer of the State and the affected state  
5 agencies.

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7           SECTION 5. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11           SECTION 6. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17           SECTION 7. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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20           SECTION 8. EMERGENCY. It is hereby found and determined by the General  
21 Assembly that juvenile justice and youth services functions might be  
22 transferred to a newly created division within the Department of Human  
23 Services; that if the transfer is approved, it should occur at the beginning  
24 of the next fiscal year; and that such transfer will not occur at the  
25 beginning of the next fiscal year unless this emergency clause is adopted.  
26 Therefore, an emergency is hereby declared to exist and this act being  
27 necessary for the immediate preservation of the public peace, health and  
28 safety shall be in full force and effect from and after its passage and  
29 approval.

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/s/Carolyn Pollan

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