

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/19/03

A Bill

HOUSE BILL 2457

5 By: Representative Martin
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE JUVENILE CODE; AND FOR OTHER
10 PURPOSES.

Subtitle

13 AN ACT TO AMEND THE JUVENILE CODE.
14
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 *SECTION 1. Arkansas Code § 9-27-307 is amended to read as follows:*
19 *9-27-307. Venue.*

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

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

25 *(A) Nonsupport after establishment of paternity;*

26 *(B) Delinquency; or*

27 *(C) Dependency-neglect.*

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 [repealed], or Uniform Child-Custody Jurisdiction and*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

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

34 *(5) The judge of the circuit court may hear, adjudicate, or*
35 *render any appropriate order with respect to any cause or matter pending in*
36 *any juvenile proceeding over which he or she presides, subject to notice of*



1 the time, place, and nature of the hearing being given as may be required by
2 law, by rule, or by order of the court, except for detention hearings under §
3 9-27-326 and probable cause hearings under § 9-27-315, no contested case may
4 be tried outside the county of the venue unless the parties agree.

5 (b) Following adjudication, the court may on its own motion or on
6 motion of any party transfer the case to the county of the juvenile's
7 residence when the provisions of the ~~Uniform Child Custody Jurisdiction Act,~~
8 ~~§ 9-13-201 et seq. [repealed], or~~ Uniform Child-Custody Jurisdiction and
9 Enforcement Act, § 9-19-101 et seq., do not apply.

10
11 SECTION 2. Arkansas Code § 9-27-316(g), concerning counsel for
12 juveniles in dependency-neglect proceedings, is amended to read as follows:

13 (g)(1) The court may appoint a volunteer court-appointed special
14 advocate from a program which shall meet all state and national court-
15 appointed special advocate standards to advocate for the best interest of
16 juveniles in dependency-neglect proceedings.

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

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

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

25 (3) Each court-appointed special advocate shall:

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

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

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

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

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

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

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

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

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

17
 18 SECTION 3. Arkansas Code § 9-27-318(i), concerning transfer of
 19 juvenile cases to the criminal division of circuit court, is amended to read
 20 as follows:

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

27
 28 SECTION 4. Arkansas Code § 9-27-323 is amended to read as follows:

29 9-27-323. Diversion - Conditions - Agreement - Completion.

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

35 (b) If the intake officer determines that a diversion of a family in
 36 need of services case is in the best interest of the juvenile and the

1 community, the officer may, with the consent of the petitioner, juvenile and
2 his or her parent, guardian, or custodian, attempt to make a satisfactory
3 diversion of a case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) A copy of the diversion agreement shall be given to the

1 juvenile, the counsel for the juvenile, the parent, guardian, or custodian,
2 and the intake officer, who shall retain the copy in the case file.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (i)(1) A juvenile intake or probation officer may charge a diversion

1 fee only after review of an affidavit of financial means and a determination
2 of the juvenile's or the juvenile's parent's, guardian's, or custodian's
3 ability to pay the fee.

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

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

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

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

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

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

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

23 (4) The funds derived from the collection of diversion fees
24 shall be used by agreement of the judge or judges of the circuit court
25 designated to hear juvenile cases in their district plan pursuant to Arkansas
26 Supreme Court Administrative Order Number 14, originally issued April 6,
27 2001, and the quorum court of the county, to provide services and supplies to
28 juveniles at the discretion of the juvenile division of circuit court.

29
30 SECTION 5. Arkansas Code § 9-27-329(f), concerning disposition
31 hearings, is amended to read as follows:

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

35
36 SECTION 6. Arkansas Code § 9-27-330 is amended to read as follows:

1 9-27-330. *Disposition - Delinquency - Alternatives.*

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

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

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

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

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

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

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

28 ~~(C) *In all cases in which both commitment and transfer of*~~
29 ~~*legal custody are ordered by the court in the same order, transfer of custody*~~
30 ~~*will be entered only upon compliance with the provisions of §§ 9-27-310—9-*~~
31 ~~*27-312, 9-27-316, 9-27-327, and 9-27-328;*~~

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

36 (3) *Grant permanent custody to an individual upon proof that the*

1 parent or guardian from whom the juvenile has been removed has not complied
2 with the orders of the court and that no further services or periodic reviews
3 are required;

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

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

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

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

15 (6) Assess a court cost of no more than thirty-five dollars
16 (\$35.00) to be paid by the juvenile, his parent, both parents, or his
17 guardian;

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

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

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

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

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

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

36 (C) The court may provide that any violation of such

1 orders shall subject the parent, both parents, or the guardian to the
2 contempt sanctions of the court;

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

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

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

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

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

20 (B)(i) The court shall take into account the financial
21 ability of the parent, both parents, or the guardian to pay for the
22 commitment, detention, or ~~foster care~~ electronic monitoring.

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

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

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

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

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

36 (C) The court may provide in the order for the issuance of

1 a restricted driving permit to allow driving to and from a place of
2 employment or driving to and from school or for other circumstances.

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

6 (c)(1) If a juvenile is adjudicated delinquent for possession of a
7 handgun, as provided in § 5-73-119, or criminal use of prohibited weapons, as
8 provided in § 5-73-104, or possession of a defaced firearm, as provided in §
9 5-73-107, the court shall commit the juvenile:

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

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

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

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

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

22 (A) The amount of restitution may be decided:

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

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

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

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

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

36 (C)(i) In determining if restitution should be paid and by

1 whom, as well as the method and amount of payment, the court shall take into
2 account:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 SECTION 7. Arkansas Code § 9-27-331(a)(1), concerning an order of
16 commitment, is amended to read as follows:

17 (a)(1) A commitment to the Division of Youth Services of the
18 Department of Human Services is for an indeterminate period not to exceed the
19 ~~eighteenth birthday of a juvenile~~ juvenile's twenty-first birthday, except as
20 otherwise provided by law.

21
22 SECTION 8. Arkansas Code § 9-27-332 is amended to read as follows:

23 9-27-332. Disposition - Family in need of services - Generally.

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

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

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

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

36 (c) ~~Failure to provide at least five (5)~~

1 ~~working days' notice to the department renders any part of the order~~
2 ~~pertaining to the department void. The court shall not order the Department~~
3 ~~of Human Services to pay for or provide family services until the Department~~
4 ~~of Human Services and the parties have had an opportunity to present evidence~~
5 ~~and arguments regarding the services.~~

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

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

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

17 (iv) For purposes of this subsection:

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

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

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

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

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

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

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

35 (B) If the court grants custody of the juvenile to the
36 department, the juvenile shall be placed in a licensed or approved foster

1 home, shelter, or facility or an exempt child welfare agency as defined at §
2 9-28-402(12);

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

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

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

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

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

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

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

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

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

30 (B) The supervision terms shall be in writing.

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

35 (8)(A) Order a fine not to exceed five hundred dollars (\$500) to
36 be paid by the juvenile, a parent, both parents, a guardian, or a custodian

1 when the juvenile exceeds the number of excessive unexcused absences provided
2 for in the student attendance policy of the district or the State Board of
3 Workforce Education and Career Opportunities.

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

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

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

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

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

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

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

23 (9) Assess a court cost of no more than thirty-five dollars
24 (\$35.00) to be paid by the juvenile, his or her parent, both parents, the
25 guardian, or the custodian; and

26 (10) Order a juvenile service fee not to exceed twenty dollars
27 (\$20.00) a month to be paid by the juvenile, his or her parent, both parents,
28 the guardian, or the custodian.

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

31
32 SECTION 9. Arkansas Code § 9-27-334 is amended to read as follows:

33 9-27-334. Disposition - Dependent-neglected - Generally.

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

36 (1)(A) Order family services.

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

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

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

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

19 (B) If the court grants custody of the juvenile to the
20 department, the juvenile shall be placed in a licensed or approved foster
21 home, shelter, or facility or an exempt child welfare agency as defined at §
22 9-28-402(12);

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

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

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

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

1 of the court.

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

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

7
8 SECTION 10. Arkansas Code 9-27-501 is amended to read as follows:

9 9-27-501. Extended juvenile jurisdiction designation.

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

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

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

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

23 (3) Juvenile, age fourteen (14) or fifteen (15) at the time of
24 the alleged offense, is charged with any of the crimes listed in § 9-27-
25 318(b) and (c)(2); or

26 (4) Juvenile, age sixteen (16) or seventeen (17) at the time of
27 the alleged offense, is charged with any of the crimes listed in §
28 9-27-318(b)(1) and (c)(2).

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

32
33 SECTION 11. Arkansas Code 16-13-326 is amended to read as follows:

34 16-13-326. Fee - Disposition of funds.

35 (a)(1) The judge of the juvenile division of ~~chancery~~ circuit court
36 may charge a juvenile a fee, not to exceed twenty dollars (\$20.00) per month,

1 for services provided to juveniles by the court.

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

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

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

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

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

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

27 /s/ Martin
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