

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

A Bill

ACT 1296 OF 1993
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.*

36 *(b) Upon creation of the Division of Youth Services, any and all*

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

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

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

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

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

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

32 (3) Client specific services shall consist of, but not be limited
33 to, independent living, tracker or proctor services, family or individual
34 therapy, individualized treatment or supportive care services. These services
35 may be acquired by grant agreements with community providers or such other

1 agencies or individuals deemed professionally capable to deliver the required
2 services.

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

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

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

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

35 (8) Expanded services may consist of, but not be limited to,

1 expansion of existing programs, specific programs for alcohol, drug or sex
2 offenders, special therapeutic treatment programs, or client specific services
3 where a consistent population has been defined as in need of multi-discipline
4 care and services, and expansion of proven, effective early intervention and
5 prevention program activities. Utilization of funds appropriated for expanded
6 services shall be as directed by the Director of the Division of Youth
7 Services who shall first obtain the consent of the Governor for the specific
8 use of such funds.

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

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

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

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

35 (b) If it is determined that the requested transfer should be made, the

1 Chief Fiscal Officer of the State shall initiate the necessary documents to
2 reflect the transfer upon the fiscal records of the State Treasurer, the State
3 Auditor, the Chief Fiscal Officer of the State and the affected state
4 agencies.

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

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

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

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

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/s/Carolyn Pollan

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APPROVED: 4/22/93

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