

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Wilkins**

A Bill

ACT 779 OF 1995
HOUSE BILL 1680

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THE JUVENILE COURT WITH ADDITIONAL
9 DISPOSITION OPTIONS FOR JUVENILES ADJUDICATED DELINQUENT
10 AND THEIR PARENTS OR GUARDIANS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO PROVIDE THE JUVENILE COURT WITH
14 ADDITIONAL DISPOSITION OPTIONS FOR
15 JUVENILES ADJUDICATED DELINQUENT AND
16 THEIR PARENTS OR GUARDIANS."

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

20 SECTION 1. Arkansas Code Annotated § 9-27-330(a) is hereby amended to
21 read as follows:

22 "(a) If a juvenile is found to be delinquent, the court may enter an
23 order making any of the following dispositions:

24 (1) Transfer legal custody of the juvenile to the Department of
25 Human Services, or to another licensed agency responsible for the care of
26 juveniles, or to a relative or other individual;

27 (2) Order the juvenile or members of the juvenile's family to
28 submit to physical, psychiatric, or psychological evaluations;

29 (3) Commit the juvenile to a youth services center operated by
30 the Arkansas Youth Services Board, using the Risk Assessment System for
31 Arkansas Juvenile Offenders developed by the 1990 Youth Services Center
32 Commitment Criteria Review Committee to be distributed and administered by the
33 Administrative Office of the Courts.

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

1 order.

2 (B) Upon receiving an order of commitment with
3 recommendations for placement in a community-based program, the Arkansas Youth
4 Services Board shall consider the recommendations of the committing court in
5 making its placement to a youth services center or to a community-based
6 alternative;

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

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

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

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

17 (6) Assess a court cost of no more than thirty-five dollars
18 (\$35.00) to be paid by the juvenile, his parent, both parents, or his
19 guardian;

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

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

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

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

32 (10) Order that the parent, both parents, or the guardian of the
33 juvenile attend a court-approved parental responsibility training program, *if*
34 *available*. The court may make reasonable orders requiring proof of completion
35 of such training program within a certain time period and payment of a fee

1 covering the cost of the training program. *The court* may provide that any
2 violation of such orders shall subject the parent, both parents, or the
3 guardian to the contempt sanctions of the court;

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

6 (ii) The court may further order that the juvenile be
7 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 by
14 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,
17 detained in a juvenile detention facility, or placed in foster care, to be
18 liable for the cost of the commitment, detention, or foster care.

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

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

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

28 (iv) The court shall take into account any other
29 factors the court deems relevant."

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31 SECTION 2. Arkansas Code Annotated § 9-27-331(c) is hereby amended to
32 read as follows:

33 "(c) The court may enter an order for physical, psychiatric, or
34 psychological evaluation or counseling, or treatment affecting the family of a
35 juvenile, only after finding that such evaluation, counseling, or treatment of

1 family members is necessary for the treatment or rehabilitation of the
2 juvenile; provided, however, that this section shall not be applicable to the
3 parental responsibility training programs in § 9-27-330(a)."

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5 SECTION 3. Arkansas Code Annotated § 9-27-332 is amended to read as
6 follows:

7 "9-27-332. Disposition - Family in need of services - Generally.

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

10 (1) Order family services.

11 (2) Transfer custody of juvenile family members to the Department
12 of Human Services or to another licensed agency responsible for the care of
13 juveniles, or to a relative or other individual.

14 (3) Order that the parent, both parents, or the guardian of the
15 juvenile attend a court-ordered parental responsibility training program, if
16 available. The court may make reasonable orders requiring proof of completion
17 of such training program within a certain time period and payment of a fee
18 covering the cost of the training program. The court may provide that any
19 violation of such orders shall subject the parent, both parents, or the
20 guardian to contempt sanctions of the court.

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

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24 SECTION 4. Arkansas Code Annotated § 9-27-334 is amended to read as
25 follows:

26 "9-27-334. Disposition - Dependent-neglected - Generally.

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

29 (1) Order family services;

30 (2) Transfer custody of the juvenile to the Department of Human
31 Services or to another licensed agency responsible for the care of juveniles,
32 or to a relative or other individual.

33 (3) Order the parent, both parents, or the guardian of the
34 juvenile to attend a court-approved parental responsibility training program,
35 if available. The court may make reasonable orders requiring proof of

1 completion of such training program within a certain time period and payment
2 of a fee covering the cost of the training program. The court may provide
3 that any violation of such orders shall subject the parent, both parents, or
4 the guardian to contempt sanctions of the court.

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

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

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

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

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/s/Rep. Wilkins

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APPROVED: 3-24-95

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