

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

# A Bill

**ACT 1261 OF 1995**  
**SENATE BILL 844**

## For An Act To Be Entitled

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

### Subtitle

12 "TO CREATE THE DIVISION OF YOUTH  
13 SERVICES WITHIN THE DEPARTMENT OF HUMAN  
14 SERVICES."

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

18 SECTION 1. Legislative intent and purpose. The General Assembly  
19 recognizes that the state has a responsibility to provide its youth with  
20 appropriate services and programs to help decrease the number of juvenile  
21 offenders in the state and to 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, the General Assembly declares that this subchapter is necessary to  
25 create a single entity within the Department of Human Services with primary  
26 responsibility for coordinating, sponsoring, and providing services to  
27 Arkansas' youth and to create a structure within state government which will  
28 be responsive to the needs of the state's youth.

30 SECTION 2. Creation of the Division of Youth Services - Director.

31 (a) There is hereby created the Division of Youth Services within the  
32 Department of Human Services.

33 (b) The Governor may appoint the Director of the Division of Youth  
34 Services or may delegate that function to the Director of the Department of  
35 Human Services.

36

1 SECTION 3. Division of Youth Services - Powers and duties.

2 (a) The Division of Youth Services shall perform the following  
3 functions and have the authority and responsibility to:

4 (1) coordinate communication among the various components of the  
5 juvenile justice system;

6 (2) oversee reform of the state's juvenile justice system;

7 (3) provide services to delinquent and  
8 Families-In-Need-of-Services (FINS) youth;

9 (4) conduct research into the causes, nature, and treatment of  
10 juvenile delinquency and related problems;

11 (5) develop programs for early intervention and prevention of  
12 juvenile delinquency;

13 (6) maintain information files on juvenile delinquents in the  
14 state;

15 (7) actively pursue the maximization of federal funding for  
16 juvenile delinquency and related programs;

17 (8) evaluate the effectiveness and efficiency of the programs and  
18 services offered by the Division and recommend changes to the Governor; and

19 (9) do and perform all other actions and exercise all other  
20 authority not inconsistent with the provisions of this subchapter as may be  
21 necessary to carry out the purposes and intent of this subchapter.

22 (b) In addition to other duties enumerated in this subchapter, the  
23 Division of 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 reintegration,  
26 counseling, tutoring, job placement counseling, corrective behavior skill  
27 counseling, and training.

28 (2)(A) Case management services will include, but not be limited  
29 to, making placement recommendations to court authorities and arrangement,  
30 coordination, and monitoring of services for a juvenile.

31 (B) These services may be acquired by agreement with  
32 community providers, other agencies or individuals as may be necessary.

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

1 (B) These services may be acquired by agreement with  
2 community providers or other agencies or individuals deemed professionally  
3 capable of delivering the required services.

4 (4) Serious offender programs, for youth charged with violent  
5 offenses, shall consist of appropriate residential treatment programs at any  
6 of the youth services centers or facilities.

7 (5) Less restrictive community-based programs selected by the  
8 Director of the Division of Youth Services for youth not deemed at risk of  
9 performing violent offenses.

10 (6) Serious offender programs or community-based programs may be  
11 acquired by agreements with entities or agencies deemed appropriate and  
12 capable of providing such services.

13 (7) (A) Observation and assessment services shall consist of, but  
14 not be limited to, those activities necessary to ensure appropriate  
15 recommendations for intervention, services, and placement of low-risk and  
16 medium-risk juveniles.

17 (B) Observation and assessment services may be acquired by  
18 agreements with community providers or other agencies or individuals deemed to  
19 have the appropriate level of expertise to perform observation and assessment  
20 or diagnosis and evaluation.

21 (8) (A) Residential observation and assessment services shall  
22 consist of, but not be limited to, those activities necessary to ensure  
23 appropriate recommendations for intervention, services, and placement of  
24 high-risk juveniles.

25 (B) Residential observation and assessment services may be  
26 performed by or at appropriate state-operated facilities or by agreement with  
27 appropriate agencies or individuals deemed to have the appropriate level of  
28 expertise to perform residential observation and assessment or diagnosis and  
29 evaluation.

30 (9) (A) Community-based alternative basic services shall consist  
31 of, but not be limited to, prevention, intervention, casework, treatment,  
32 counseling, observation and assessment, case management, and residential  
33 services. Primary goals for community-based alternative basic services shall  
34 be prevention of youth from entering the juvenile justice system and the  
35 provision of professional, community-based, least-cost services to youth.

1 (B) These services shall be acquired by agreements with  
2 local community providers or other agencies or individuals deemed  
3 professionally capable and appropriate to deliver such services.

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

12 (c) The Division of Youth Services shall pursue the maximization of  
13 federal funds to benefit the youth of Arkansas.

14 (d) (1) The Division of Youth Services shall promulgate rules and  
15 regulations as necessary to administer this subchapter.

16 (2) The regulations shall be reviewed by the Joint Interim  
17 Committee on Children and Youth or any appropriate legislative committee  
18 during legislative sessions.

19

20 SECTION 4. Observation and Assessment Center.

21 (a) The Division of Youth Services shall establish and maintain an  
22 observation and assessment center for the reception, orientation,  
23 classification, and adjustment evaluation of all youth committed to the  
24 Division of Youth Services.

25 (b) The staff of the center shall be provided by the Division of Youth  
26 Services or its designee. The staff shall consist of such professional and  
27 clerical personnel as necessary to perform the functions of the center as  
28 provided in this section.

29 (c) The center shall be a secure facility and shall be equipped to hold  
30 committed youth for such period of time as necessary to provide for  
31 orientation, diagnosis, evaluation, and classification of a youth.

32

33 SECTION 5. Youth Services Centers.

34 (a) The physical facilities and programs at each of the youth services  
35 centers shall be designed and developed to be particularly suitable for the

1 custody, care, education, and rehabilitation of youth of particular  
2 classifications.

3 (b) In classifying and committing youth to the various centers and  
4 facilities, the Division of Youth Services shall take into consideration a  
5 youth's age, sex, physical condition, mental attitude and capacity, prognosis  
6 for rehabilitation, the seriousness of the committing offense(s), and such  
7 other criteria as the Division shall determine.

8 (c) The Director of the Division of Youth Services shall prepare or  
9 cause to be prepared courses of study, including regular or special courses in  
10 vocational skills suited to the age and capacity of the youth and shall employ  
11 teachers to teach such courses.

12 (d) The courses of study taught shall conform to the established  
13 guidelines for alternative learning environments or the minimum standards  
14 prescribed for the public schools of the state, and the students shall receive  
15 credit for courses completed in the alternative learning environment or the  
16 same credit for completing courses as students receive in public schools.

17 (e) The youth services centers are declared to be educational  
18 institutions and entitled to all the rights and privileges of other accredited  
19 institutions of this state.

20

21 SECTION 6. Disposition of Delinquent Youth.

22 When a juvenile division of chancery court, circuit court, or any other  
23 court having jurisdiction of a youth under eighteen (18) years of age finds a  
24 youth to be delinquent or to have committed a crime as defined by the laws of  
25 this state, the court may commit the youth to the Division of Youth Services  
26 of the Department of Human Services for an indeterminate period, not to exceed  
27 the eighteenth birthday of the youth, except as otherwise provided by law.

28

29 SECTION 7. Commitment to the Division of Youth Services.

30 (a) When any youth is committed to the Division of Youth Services as  
31 authorized in this section, the youth shall be under the exclusive care,  
32 custody, and control of the Division of Youth Services from the time of the  
33 lawful reception of the youth by a youth services center until the youth is  
34 released from the custody of the Division of Youth Services.

35 (b) The fact that a youth has been committed to the Division of Youth

1 Services shall not be received in evidence in any court in this state in any  
2 subsequent proceeding affecting the youth, except as otherwise provided by  
3 law.

4

5 SECTION 8. Order of Commitment.

6 (a) An order of commitment to the Division of Youth Services shall  
7 state that the youth is found to be delinquent or to have committed a crime  
8 and shall state information regarding the underlying facts of the  
9 adjudication.

10 (b) A court shall, with a committing order, transmit to the Division of  
11 Youth services a copy of the Risk Assessment instrument and a report on the  
12 youth setting forth in detail all available pertinent information concerning  
13 the youth's background, family status, school record, behavior tendencies, and  
14 all other pertinent information which it may have including the reasons for  
15 the youth's commitment.

16 (c) Information relating to the committing offense(s) is exclusively  
17 for the benefit of the Division of Youth Services and shall not be disclosed  
18 by Division officials or employees without written authorization of the  
19 committing court, except for data and statistical compilations as otherwise  
20 provided by law.

21 (d) An order of commitment shall remain in effect for an indeterminate  
22 period not exceeding two (2) years, subject to extension by the committing  
23 court for additional periods of one (1) year if the court finds an extension  
24 is necessary to safeguard the welfare of the youth or the interest of the  
25 public.

26 (e) Commitment shall not exceed the eighteenth birthday of a youth,  
27 unless the Department of Human Services' Institutional Systems Board  
28 determines that an adequate facility or facilities is available for youth  
29 eighteen (18) years of age or older.

30 (f) When an order of commitment includes recommendations for a specific  
31 type of placement, the Division of Youth Services shall consider those  
32 recommendations in making a placement.

33

34 SECTION 9. Commitment Conditions and Terms.

35 (a) Upon commitment to the Division of Youth Services, a youth shall be

1 delivered to the observation and assessment center for orientation,  
2 classification, diagnosis and evaluation.

3 (b) Upon completion of such orientation, classification, diagnosis, and  
4 evaluation, the staff of the observation and assessment center shall make  
5 recommendations to the Director of the Division of Youth Services with respect  
6 to the placement of a youth.

7 (c) Upon receipt of the recommendations, the Director of the Division  
8 of Youth Services shall determine whether a youth shall be placed in a youth  
9 services center, facility, or any program operated by the Department of Human  
10 Services.

11 (d) (1) If the Division of Youth Services determines that a youth shall  
12 be retained in any of the facilities or programs, it shall consider the  
13 youth's physical condition, mental attitude and capacity, prognosis for  
14 successful rehabilitation, and such other criteria as the Division shall  
15 establish in order to place the youth in the most appropriate facility or  
16 program as determined by the Division.

17 (2) If the Division of Youth Services determines that a youth is  
18 not suited for placement in a youth services center or facility, it shall  
19 report its findings to the committing court along with information regarding  
20 the placement of the youth.

21 (e) The Division of Youth Services has the authority to move a youth at  
22 any time within its system of youth services centers, facilities and  
23 community-based programs or within the Department of Human Services programs  
24 or facilities.

25

26 SECTION 10. Release.

27 (a) (1) In consideration of its juvenile correctional role, the Division  
28 of Youth Services shall establish objective guidelines for length of stay when  
29 youth are committed to the Division.

30 (2) Length-of-stay determinations shall be the exclusive  
31 responsibility of the Division of Youth Services and committed youth shall be  
32 reintegrated into society at a pace determined by the seriousness of the  
33 committing offense, aggravating or mitigating circumstances, community  
34 compatibility, and clinical prognosis.

35 (b) The Division of Youth Services shall establish policies regarding

1 the eligibility of youth for release considerations.

2 (c) (1) Whenever the Director of the Division of Youth Services, upon  
3 examination of all information and recommendations provided, shall determine  
4 that release of a youth is in the interest of both the state and the youth,  
5 the Division shall grant release.

6 (2) Release decisions shall be made by the Division of Youth  
7 Services Director without the necessity of an application by or on behalf of a  
8 youth.

9 (3) In determining whether the release of a youth is in the best  
10 interest of both the state and the youth, the Division shall consider the  
11 circumstances of the committing offense(s), any recommendations of the  
12 committing judge, any recommendations of the probation officer of the  
13 committing court, the youth's previous delinquency record, the availability of  
14 community programs, and the stability of the youth's home environment.

15 (d) (1) The committing court may, at any time, recommend that a youth be  
16 released from the custody of the Division of Youth Services.

17 (2) A recommendation for release shall be provided in writing to  
18 the Division of Youth Services stating the reasons release is deemed in the  
19 best interest of the youth and society.

20 (3) A final decision to release shall be made by the Division of  
21 Youth Services.

22 (e) Upon release from the custody of the Division of Youth Services, a  
23 youth shall remain under the jurisdiction of the committing court for an  
24 indeterminate period not to exceed two (2) years.

25

26 SECTION 11. Escape from Youth Services Center or Facilities.

27 (a) If any delinquent youth committed to the Division of Youth Services  
28 escapes or absents himself from a youth services center or facility without  
29 authorization, he may be returned to the facility by a law enforcement officer  
30 without further proceedings.

31 (b) No law enforcement officer, Department of Human Services  
32 Institutional System Board member, Division of Youth Services employee, or  
33 other person shall be subject to suit or held criminally or civilly liable for  
34 his actions provided he acts in good faith and without malice in the  
35 apprehension and return of escapees.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SECTION 12. Sale of Goods Produced at Youth Services Centers -  
Disposition of Funds.

All funds derived from the sale of agricultural products, livestock,  
manufactured articles, or from other activities carried on at the youth  
services centers or facilities shall be deposited in the State Treasury in the  
Youth Services Fund to be used exclusively for the support of the Division of  
Youth Services.

SECTION 13. Arkansas Code Annotated § 9-27-303(7) is hereby amended to  
read as follows:

"9-27-303. Definitions. As used in this subchapter, unless the context  
otherwise requires:

(1) Juvenile means an individual who:

(A) Is under the age of eighteen (18) years, whether married or  
single;

(B) Is under the age of twenty-one (21) years, whether married or  
single, who was adjudicated delinquent for an act committed prior to the age  
of eighteen (18) years and for whom the court retains jurisdiction. In no  
event shall such person remain within the court's jurisdiction past the age of  
twenty-one (21) years; or

(C) Was adjudicated dependent-neglected before reaching the age  
of eighteen (18) years and who, while engaged in a course of instruction or  
treatments, requests the court to retain jurisdiction until the course has  
been completed. In no event shall such person remain within the court's  
jurisdiction past the age of twenty-one (21) years.

(2) Parent means a biological mother, an adoptive parent, a man to  
whom the biological mother was married at the time of conception or birth, or  
who has been found, by a court of competent jurisdiction, to be the biological  
father of the juvenile.

(3) Abandonment means the failure of the parent to provide reasonable  
support and to maintain regular contact with the juvenile through statement or  
contact, when the failure is accompanied by an intention on the part of the  
parent to permit the condition to continue for an indefinite period in the  
future, and failure to support or maintain regular contact with the juvenile

1 without just cause for a period of one (1) year shall constitute a rebuttable  
2 presumption of abandonment.

3 (4) Abuse means any of the following acts or omissions by a parent,  
4 guardian, custodian, foster parent, or any person who is entrusted with the  
5 juvenile's care by a parent, guardian, custodian, or foster parent, including,  
6 but not limited to, an agent or employee of a public or private residential  
7 home, child care facility, public or private school, or any person legally  
8 responsible for the juvenile's welfare:

9 (A) Extreme and repeated cruelty to a juvenile; or

10 (B) Physical, psychological, or sexual abuse of any juvenile  
11 which includes, but is not limited to, intentionally, knowingly, or  
12 negligently and without justifiable cause:

13 (i) Engaging in conduct creating a substantial possibility  
14 of death, permanent or temporary disfigurement, illness, impairment of any  
15 bodily organ, or an observable and substantial impairment in the intellectual  
16 or psychological capacity of the juvenile to function within his normal range  
17 of performance and behavior with due regard to his culture;

18 (ii) Any nonaccidental physical injury or mental injury; or

19 (iii) Any injury which is at variance with the history  
20 given.

21 (5) Adjudication hearing means a hearing to determine whether the  
22 allegations in a petition are substantiated by the proof.

23 (6) Case plan means a document set out in a form prescribed by the  
24 Department of Human Services, which includes those items required by this  
25 subchapter. The case plan shall include a description and discussion of the  
26 following:

27 (A) The goal of the plan;

28 (B) The specific reasons for the placement of the juvenile in  
29 care outside the home, including a description of the problems or conditions  
30 in the home of the parent, guardian, or custodian which necessitated removal  
31 of the juvenile, and the remediation of which will determine the return of the  
32 juvenile to the home;

33 (C) A description of the type of out-of-home placement selected  
34 for the juvenile including a discussion of the appropriateness of the  
35 placement;

1 (D) A plan for addressing the needs of the juvenile while in the  
2 placement, including a discussion of the services provided within the last six  
3 (6) months;

4 (E) The specific actions to be taken by the parent, guardian, or  
5 custodian of the juvenile to eliminate or correct the identified problems or  
6 conditions and the period during which the actions are to be taken. The plan  
7 may include any person or agency who shall agree to and be responsible for the  
8 provision of social and other family services to the juvenile or the parent,  
9 guardian, or custodian of the juvenile;

10 (F) The visitation rights and obligations of the parent,  
11 guardian, or custodian and the state agency during the period the juvenile is  
12 in out-of-home placement;

13 (G) The social and other family services to be provided to the  
14 parent, guardian, or custodian of the juvenile, and foster parent, if any,  
15 during the period the juvenile is in placement and a timetable for the  
16 provision of those services, the purposes of which shall be to promote the  
17 availability to the juvenile of a continuous and stable living environment,  
18 promote family autonomy, strengthen family life where possible, and promote  
19 the reunification of the juvenile with the parent, guardian, or custodian;

20 (H) A statement directed to the parent, custodian, or guardian  
21 that:

22 (i) Failure to remedy the conditions causing the  
23 out-of-home placement of the juvenile may result in termination of parental  
24 rights;

25 (ii) Termination of parental rights may occur only after  
26 notice and a hearing on termination;

27 (iii) If the parent, guardian, or custodian disagrees with  
28 the terms in the plan, the party may petition the court for resolution of the  
29 disagreement; and

30 (iv) The parent, guardian, or custodian has a right to  
31 notice of any modification of the case plan and the right to petition the  
32 court for a hearing on the modification.

33 (7) Commitment means an order of the court which places a juvenile in  
34 the custody of the Division of Youth Services of the Department of Human  
35 Services for placement in a youth services facility.

1 (8) Court or juvenile court means the juvenile division of chancery  
2 court.

3 (9) Custodian means a person, other than a parent or legal guardian  
4 who stands in loco parentis to the juvenile or a person, agency, or  
5 institution to whom a court of competent jurisdiction has given custody of a  
6 juvenile by court order.

7 (10) The department means the Department of Human Services.

8 (11) Delinquent juvenile means any juvenile ten (10) years or older  
9 who has committed an act other than a traffic offense or game and fish  
10 violation which, if such act had been committed by an adult, would subject  
11 such adult to prosecution for a felony, misdemeanor, or violation under the  
12 applicable criminal laws of this state, or who has violated § 5-73-119.

13 (12) Dependent-neglected juvenile means any juvenile who as a result  
14 of abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental  
15 unfitness is at substantial risk of serious harm.

16 (13) Detention means the temporary care of a juvenile in a physically  
17 restricting facility, other than a jail or lock-up used for the detention of  
18 adults, prior to an adjudication hearing for delinquency or pending commitment  
19 pursuant to an adjudication of delinquency.

20 (14) Detention hearing means a hearing held to determine whether a  
21 juvenile accused or adjudicated of committing a delinquent act or acts should  
22 be released or held prior to adjudication or disposition.

23 (15) Disposition hearing means a hearing held following an  
24 adjudication hearing to determine what action will be taken in delinquency,  
25 family in need of services, or dependent-neglect cases.

26 (16) Family in need of services means any family whose juvenile  
27 evidences behavior which includes, but is not limited to, the following:

28 (A) Being habitually and without justification absent from school  
29 while subject to compulsory school attendance;

30 (B) Being habitually disobedient to the reasonable and lawful  
31 commands of his parent, guardian, or custodian; or

32 (C) Having absented himself from his home without sufficient  
33 cause, permission, or justification.

34 (17) Family services means relevant services, including, but not  
35 limited to: child care; homemaker services; crisis counseling; cash

1 assistance; transportation; family therapy; physical, psychiatric, or  
2 psychological evaluation; counseling; or treatment, provided to a juvenile or  
3 his family. Family services are provided in order to:

4 (A) Prevent a juvenile from being removed from a parent,  
5 guardian, or custodian;

6 (B) Reunite the juvenile with the parent, guardian, or custodian  
7 from whom the juvenile has been removed; or

8 (C) Implement a permanent plan of adoption, guardianship, or  
9 rehabilitation of the juvenile.

10 (18) Guardian means any person, agency, or institution as defined by  
11 § 28-65-201 et seq. whom a court of competent jurisdiction has so appointed.

12 (19) Home study means a written report, obtained after an  
13 investigation of a home by the Department of Human Services or other  
14 appropriate persons or agencies and which shall conform to regulations  
15 established by the department.

16 (20) Juvenile detention facility means any facility for the temporary  
17 care of juveniles alleged to be delinquent, or adjudicated delinquent and  
18 awaiting disposition, who require secure custody in a physically restricting  
19 facility designed and operated with all entrances and exits under the  
20 exclusive control of the facility's staff, so that a juvenile may not leave  
21 the facility unsupervised or without permission.

22 (21) Law enforcement officer means any public servant vested by law  
23 with a duty to maintain public order or to make arrests for offenses.

24 (22) Long-term foster care means the placement of a juvenile in a  
25 specified out-of-home placement pursuant to this subchapter.

26 (23) Neglect means those acts or omissions of a parent, guardian,  
27 custodian, foster parent, or any person who is entrusted with the juvenile's  
28 care by a parent, custodian, guardian, or foster parent, including, but not  
29 limited to, an agent or employee of a public or private residential home,  
30 child care facility, public or private school, or any person legally  
31 responsible under state law for the juvenile's welfare, which constitute:

32 (A) Failure or refusal to prevent the abuse of the juvenile when  
33 such person knows or has reasonable cause to know the juvenile is or has been  
34 abused;

35 (B) Failure or refusal to provide the necessary food, clothing,

1 shelter, and education required by law, or medical treatment necessary for the  
2 juvenile's well-being, except when the failure or refusal is caused primarily  
3 by the financial inability of the person legally responsible and no services  
4 for relief have been offered or rejected;

5 (C) Failure to take reasonable action to protect the juvenile  
6 from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or  
7 parental unfitness where the existence of such condition was known or should  
8 have been known;

9 (D) Failure or irremedial inability to provide for the essential  
10 and necessary physical, mental, or emotional needs of the juvenile;

11 (E) Failure to provide for the juvenile's care and maintenance,  
12 proper or necessary support, or medical, surgical, or other necessary care; or

13 (F) Failure, although able, to assume responsibility for the care  
14 and custody of the juvenile or participate in a plan to assume such  
15 responsibility.

16 (24) Notice of hearing means a notice which describes the nature of  
17 the hearing, the time, date, and place of hearing, the right to be present,  
18 heard, and represented by counsel, and instructions on how to apply to the  
19 court for appointment of counsel if indigent, or a uniform notice as developed  
20 and prescribed by the Arkansas Supreme Court. The notice of hearing shall be  
21 served in the manner provided for service under the Arkansas Rules of Civil  
22 Procedure.

23 (25) Order to appear means an order issued by the court directing a  
24 person who may be subject to the court's jurisdiction to appear before the  
25 court at a date and time as set forth in the order.

26 (26) Out-of-home placement means:

27 (A) Placement in a home or facility other than the home of the  
28 parent or guardian from whose custody the court has removed the juvenile; or

29 (B) Placement in the home of a relative; provided, however, this  
30 definition shall not include circumstances where the court has discontinued  
31 orders for delivery of family services pursuant to a determination that the  
32 home of the relative shall be the permanent home of the juvenile.

33 Out-of-home placement shall not include placement in a youth  
34 services center or detention facility as a result of a finding of delinquency.

35 (27) Paternity hearing means a proceeding brought pursuant to

1 bastardy jurisdiction to determine the biological father of a juvenile.

2       (28) \_Predisposition report\_ means a report concerning the juvenile,  
3 the family of the juvenile, all possible disposition alternatives, the  
4 location of the school in which the juvenile is or was last enrolled, whether  
5 the juvenile has been tested for or has been found to have any handicap, the  
6 name of the juvenile's attorney, and, if appointed by the court, the date of  
7 the appointment, any participation by the juvenile or his family in counseling  
8 services previously or currently being provided in conjunction with  
9 adjudication of the juvenile and any other matters relevant to the efforts to  
10 provide treatment to the juvenile or the need for treatment of the juvenile or  
11 the family. The predisposition report shall include a home study of any  
12 out-of-home placement which may be part of the disposition.

13       (29) \_Prosecuting attorney\_ means an attorney who is elected as  
14 district prosecuting attorney, the duly appointed deputy prosecuting attorney,  
15 or any city prosecuting attorney.

16       (30) \_Putative father\_ means any man not deemed or adjudicated under  
17 the laws of the jurisdiction of the United States to be the biological father  
18 of a juvenile who claims or is alleged to be the biological father of the  
19 juvenile.

20       (31) \_Reasonable efforts\_ means the exercise of reasonable diligence  
21 and care by the Department of Human Services or other appropriate agency to  
22 utilize all available services relating to meeting the needs of the juvenile  
23 and the family.

24       (32) \_Sexual abuse\_ includes solicitation or participation in sexual  
25 activity with a juvenile by an adult or person responsible for the care and  
26 maintenance of the juvenile. Sexual abuse also includes any offense relating  
27 to sexual activity, abuse, or exploitation, including rape and incest, as set  
28 out and defined in the Arkansas Criminal Code and amendments thereto,  
29 § 5-1-101 et seq.

30       (33) \_Sexual exploitation\_ includes allowing, permitting, or  
31 encouraging participation or depiction of the juvenile in prostitution,  
32 obscene photographing, filming, or obscenely depicting a juvenile for any use  
33 or purpose.

34       (34) \_Shelter care\_ means the temporary care of a juvenile in  
35 physically unrestricting facilities pursuant to an order for placement pending

1 or pursuant to an adjudication of dependency-neglect or family in need of  
2 services.

3 (35) \_UCCJA\_ means the Uniform Child Custody Jurisdiction Act as found  
4 in § 9-13-201 et seq.

5 (36) \_UIFSA\_ means the Uniform Interstate Family Support Act found in  
6 § 9-17-101 et seq.

7 (37) \_Youth Services Center\_ means a youth services facility operated  
8 by the state.

9 (38) \_Youth Services Facility\_ means a facility, operated by the state  
10 or its designee, for the care of juveniles who have been adjudicated  
11 delinquent or convicted of a crime and who require secure custody in either a  
12 physically restrictive facility or a staff secure facility, operated so that a  
13 juvenile may not leave the facility unsupervised or without supervision.  
14

15 SECTION 14. Arkansas Code 9-27-330(a) is amended to read as follows:

16 "9-27-330. Disposition - Delinquency - Alternatives.

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

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

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

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

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

33 (B) Upon receipt of an order of commitment with  
34 recommendations for placement, the Division of Youth Services shall consider  
35 the recommendations of the committing court in placing a youth in a youth



1 services facility or a community-based program ;"

2

3 SECTION 15. Arkansas Code 9-27-331(a) is amended to read as follows:

4 "9-27-331. Disposition - Delinquency - Limitations.

5 (a) (1) A commitment to the Division of Youth Services is for an  
6 indeterminate period, not to exceed the eighteenth birthday of a juvenile,  
7 except as otherwise provided by law.

8 (2) An order of commitment shall remain in effect for an  
9 indeterminate period not exceeding two (2) years from the date entered.

10 (3) Prior to the expiration of an order of commitment, the court  
11 may extend the order for additional periods of one (1) year if it finds the  
12 extension is necessary to safeguard the welfare of the juvenile or the  
13 interest of the public.

14 (4) The committing court may recommend, at any time, that a  
15 juvenile be released from the custody of the Division of Youth Services by  
16 making a written request for release stating the reasons release is deemed in  
17 the best interests of the juvenile and society.

18 (5) Length of stay and final decision to release shall be the  
19 exclusive responsibility of the Division of Youth Services."

20

21 SECTION 16. All provisions of this act of a general and permanent  
22 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
23 Code Revision Commission shall incorporate the same in the Code.

24

25 SECTION 17. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.

30

31 SECTION 18. All laws and parts of laws in conflict with this act are  
32 hereby repealed. Specifically repealed are §§ 9-28-201, 202, 203, 204, 205,  
33 206, 207, 208, 209, 210, 211, 212 and 213; §§ 20-46-201, 202, 203, 204, 205  
34 and 206; § 25-10-103; § 25-10-105; §§ 25-10-301, 302, 303, 304 and 305.

35

APPROVED: 4-13-95

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15