	Stricken language would be d	deleted from and underlined language would be a prior to this session of the General Assembly. Act 1959 of the Regular Session	dded to the law as it existed
1	State of Arkansas	As Engrossed: H3/22/05 H3/28/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		HOUSE BILL 2452
4			
5	By: Representative Roebuck		
6			
7			
8	For An Act To Be Entitled		
9	AN ACT T	TO ENSURE THE CONTINUITY OF MENTAL I	HEALTH
10	SERVICES	S FOR JUVENILES IN THEIR COMMUNITIES	S; TO
11	ADDRESS	THE OUT-OF-STATE PLACEMENT OF CHILD	DREN
12	FOR MENT	TAL HEALTH SERVICES AND TREATMENT; 2	ТО
13	CLARIFY	THE REQUIREMENTS FOR AN ASSESSMENT	OR
14	SCREENIN	NG; AND FOR OTHER PURPOSES.	
15			
16		Subtitle	
17	TO EN	NSURE THE CONTINUITY OF MENTAL	
18	HEALT	TH SERVICES FOR JUVENILES IN THEIR	
19	COMMU	UNITIES.	
20			
21			
22			
23	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF ARK	(ANSAS:
24			
25	SECTION 1. <u>It is</u>	s the intent of the General Assembl	<u>ly of the State of</u>
26	<u>Arkansas that:</u>		
27	<u>(1)</u> Juven:	iles receive mental health services	; in their
28	communities whenever po	possible and in the least restrictiv	<u>re placement</u>
29	consistent with the juv	ivenile's treatment needs;	
30	<u>(2)</u> Juven:	niles are placed out-of-state for me	ental health services
31	only when it is in the	e juvenile's best interest and there	e is no appropriate
32	or available treatment	in-state to meet the needs of the	juvenile;
33	<u>(3) Circu</u>	uit courts are provided with qualifi	ied mental health
34	<u>screenings to assist co</u>	courts in ordering appropriate menta	<u>al health services</u>
35	for juveniles; and		



1	(4) Juvenile officers, mental health providers, residential		
2	providers, the Department of Human Services, Child and Adolescent Service		
3	System Program providers, attorneys, courts, and advocates shall work		
4	together to ensure the continuity of mental health services for juveniles in		
5	their communities.		
6			
7	SECTION 2. (a) Prior to the court ordering a juvenile to an out-of-		
8	state residential placement, excluding border state placements as defined by		
9	Medicaid, the court shall refer a juvenile for an assessment by the		
10	Department of Human Services or the department's designee to include, but not		
11	be limited to:		
12	(1) An assessment of the mental health services for the juvenile		
13	and the juvenile's family;		
14	(2) The services that could be provided to enable the juvenile		
15	to remain safely in his or her home and the availability of such services;		
16	(3) If the assessment recommends that the juvenile cannot remain		
17	at home, all appropriate in-state placements currently available that are		
18	appropriate to meet the juvenile's mental health needs shall be presented to		
19	the court:		
20	(A) With a preference for the juvenile to remain as close		
21	to his or her home and community as possible so that his or her family can		
22	participate in the family treatment plan;		
23	(B) That provides for the least restrictive placement		
24	ensuring the health and safety of the juvenile;		
25	(C) That provides an anticipated length of time needed for		
26	residential or in-patient treatment; and		
27	(D) That provides a plan for reintegration of the juvenile		
28	into his or her community, including coordination with local providers when		
29	the juvenile is released from treatment; and		
30	(4) If the assessment recommends that the juvenile cannot be		
31	served in State of Arkansas, the assessment shall specify the reasons why the		
32	child cannot be served in the state and recommend what type of placement the		
33	child needs out-of-state and the reasons for such a recommendation.		
34	(b) The Department of Human Services or its designee shall complete		
35	the out-of-state mental health assessment within five (5) business days of		
36	referral from the court.		

36 <u>referral from the court.</u>

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## As Engrossed: H3/22/05 H3/28/05

HB2452

1	(c) The assessment completed by the Department of Human Services or
2	its designee shall be admitted into evidence and the court shall consider the
3	assessment in making its determination as to what services and placement
4	should be ordered based on the best interest of the juvenile.
5	(d)(1) The court shall make a determination of the ability of the
6	parent, guardian or custodian to pay in whole or in part for mental health
7	services.
8	(2) If the court determines an ability to pay, the court shall
9	enter such an order for payment pursuant to Arkansas Code § 9-27-333(e).
10	
11	SECTION 3. (a) When a mental health screening or assessment is
12	provided to the juvenile division of a circuit court, the screening or
13	assessment shall include, but not be limited to, the following:
14	(1) An assessment of the mental health services needed for the
15	juvenile and the juvenile's family; and
16	(2) The services that could be provided to enable the juvenile
17	to remain safely in his or her home and the availability of such services.
18	(b) If the screening or assessment recommends that the juvenile cannot
19	remain safely in his or her home, then the screening or assessment shall
20	state the recommended type of residential treatment or in-patient treatment
21	that is needed for the juvenile which:
22	(1) Meets the treatment needs of the juvenile;
23	(2) Allows the juvenile to remain as close to his or her home
24	and community as possible so that his or her family can participate in the
25	treatment plan;
26	(3) Provides for the least restrictive placement ensuring the
27	health and safety of the juvenile;
28	(4) Provides an anticipated length of time needed for
29	residential or in-patient treatment; and
30	(5) Provides a plan for the reintegration of the juvenile into
31	his or her community, including coordination with local providers when the
32	juvenile is released from residential or in-patient treatment.
33	
34	/s/ Roebuck
35	
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APPROVED: 04/11/2005