

**Senate Committee on Children and Youth and the House Committee on
Aging, Children and Youth, Legislative and Military Affairs
Meeting Jointly
Wednesday, October 1, 2014**

The Senate Committee on Children and Youth and the House Committee on Aging, Children and Youth, Legislative and Military Affairs met jointly on Wednesday, October 1, 2014, at 10:00 a.m., in Committee Room 130 of the State Capitol Building in Little Rock, Arkansas.

Committee members present: **Senators** Stephanie Flowers, Chair; Linda Chesterfield and Jane English. **Representatives** David Meeks, Chair; Charles Armstrong, John Baine, Ken Bragg, Mary Broadaway, Charlene Fite, Bill Gossage, Mike Holcomb, Patti Julian, Sue Scott, and Frederick Smith.

Non-committee members present: **Senators** Joyce Elliott, Bruce Holland, Keith Ingram, and Missy Irvin. **Representatives** Scott Baltz, Bruce Cozart, Kim Hammer, David Hillman, Debra Hobbs, Sheilla Lampkin, and Betty Overbey.

Consideration to approve minutes of September 10, 2014 [EXHIBIT B]

Representative Meeks made a motion to approve the September 10, 2014, meeting minutes. The motion was seconded by Representative Fite. Without objection the minutes were adopted.

Review of Rules [EXHIBIT C]

Department of Human Services (DHS), Division of Children and Family Services, **Christin Harper**, DHS-Policy Manager, highlighted the proposed changes to the Client Drug and Alcohol Screening Policy as follows:

- Revised policy to differentiate between a drug screen and a drug test.
- Revised policy to outline the current payment processing and drug screen order procedures.
- Revised policy to clarify challenge procedures and to include the national child welfare best practices.

Without objection the report was reviewed.

Interim Study Proposal (ISP) 2013-171 [EXHIBIT D] (Handout #1 and #2)

Senator Irvin was recognized and noted that the speakers on the panel combined, have over 100 years of experience in the field of Juvenile Justice. Senator Irvin asked that the panel proceed as outlined on the agenda and that questions be held until the last speaker has presented.

Historical Perspective and Update on the Arkansas Juvenile Justice System (AJJS), **Connie Hickman-Tanner**, Administrative Office of the Courts (AOC), Juvenile Division of the Courts, Director, provided an overview of the AJJS. The AJJS was declared unconstitutional in 1987, which led to the appointment of the Arkansas Juvenile Justice Commission, chaired by Senator Wayne Dowd. The commission established the current court system; Juvenile Division (trial court), and the Arkansas Juvenile Code. There are four types of Juvenile Division cases: Dependency-Neglect, Families In Need of Services (FINS), Delinquency, and Probation Revocation. A definition of each case is provided in Attachment #1.

Ms. Hickman-Tanner reviewed "The Executive Summary: Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System" (Handout #2). The report outlines four principles adopted by the Arkansas Supreme Court Commission on Children, Youth, and Families on September 12, 2014. They are as follows:

1. Base supervision, service, and resource-allocation decisions on the results of validated risk and needs assessments.
2. Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, and use data to evaluate the results and direct system improvements.
3. Employ a coordinated approach across service systems to address youth's needs.
4. Tailor system policies, programs, and supervision to reflect the distinct developmental needs of adolescents.

Senator Flowers asked if anyone on the panel will be presenting information on current resources and how those resources affect actual outcomes. Senator Irvin stated that Mr. Steele will be pointing out some of the resources however; today's presentation is only an overview. The information on outcomes is being compiled and may be presented at a later meeting before the next legislative session.

Representative Broadaway asked if any members from Court Appointed Special Advocates (CASA) are involved in the study. Ms. Hickman-Tanner stated that CASA serves dependency-neglect children; there is a role for CASA in the crossover for dual status children and they would play a vital role in that area.

Senator Flowers asked about record keeping and disposition on cases of delinquency, FINS and dependency-neglect specifically, how many cases result in a disposition as opposed to a dismissal. Ms. Hickman-Tanner stated that AOC has a webpage with some of this information. Some of the disposition data is not reported, AOC only reports what they receive. The data is a requirement however; there is no penalty for not reporting. The AOC director and staff members are aware of this issue and a committee is currently working on a data quality project with the National Center for State Courts.

Panel Discussion: Arkansas Juvenile Justice System, Issues and Concerns

(Handouts #1, 3, 4, 5, & Attachment #2)

Judge Gary Isbell, Fourteenth Judicial Circuit Court, pointed out that Arkansas has the most advanced Juvenile Justice Code in the nation and that he is an advocate for solutions and alternative programs at home, in the community. Solutions are the responsibility of the court system. He noted that schools have an advantage over the courts because they provide the tools, the intelligence, and the opportunity to make an important difference.

Judge Isbell discussed his "red flag system", for identifying issues and providing resources to address the needs of families that come before his court. He stated that it is the "personality of the court" that determines the collaboration in the community to create resources and address needs. *(Attachment #2)*.

Connie Hickman-Tanner added that a statistical report of individual filings for each judicial district can be found on the Arkansas Judiciary website at courts.state.ar.us.

Jerry Walsh, Chairman, Arkansas Juvenile Justice Coalition (Coalition) presented the National Standards for the Care of Youth Charged with Status Offenses. The study was sponsored by the Coalition for Juvenile Justice (CJJ) a nationwide coalition of State Advisory Groups (SAG). The National Standards were developed to reduce the over criminalization and over incarceration of youth in the United States. The Coalition has voted to endorse the standards along with a number of other states. The research was focused upon evidence based practices. Key principles were reviewed for responding to status offenses. Mr. Walsh stated that if status offenders can be diverted and kept out of court, it would eliminate the need for commitment to the Division of Youth Services (DYS).

Mr. Walsh noted that \$1 million was borrowed to setup and start behavioral health facilities located in Columbia, Union, Calhoun, and Ouachita counties. These facilities house juvenile officers to assist with assessments for children. These assessments assist the juvenile court officers and courts in providing services to target FINS cases. Many delinquent cases cross over and end up being commitments for not following court orders (*Handout #3*).

Madelyn Keith, Chairman, Arkansas Youth Services Providers Association reiterated the Four Core Principles outlined in Handout #2. She stated that it has been proven over the years, that whenever the state provides resources for services identified by community stakeholders and when these services are implemented the commitments to DYS decrease.

In 2010, when the Reduction in Commitment Initiative started, commitments decreased from 636 to 468. This initiative is currently funded at 28%. There has been an increase in commitments in some areas of the state and DYS reported that youth are staying longer; this has a lot to do with the supportive services available in the community.

Ms. Keith noted that the commitment rate for violations of probation has increased; in 2012 there were 16 and in 2014 there were 145; while felonies and misdemeanor commitments are down. It is estimated that DYS spends \$2000 per child served in the community in comparison to \$45,000 per committed child. Thirty million dollars is spent each year on secure confinement and \$16 million of that is spent on community alternatives. She asked that a taskforce be appointed to study the issue of reduction of secure residential beds and redirection of funds.

AOC is working to develop and implement a more structured decision-making process for the dispositional sentencing phase of the juvenile court process through a validated risk assessment. Within the last two years DYS and Community Based Providers through a multidisciplinary committee have revised, improved and implemented an outcome measurement tool and process referred to as the "Performance Client Intake Outcome Record". It records the level of functioning of the client (served with DYS funds) in several critical areas of their lives: school, family, justice system, and employability, the use of alcohol /other illegal drugs and behavioral health. This information is recorded and monitored at in-take, at six months after services start, at termination and followed up six months after termination (*Handout #4*).

Tracy Steele, Director, DHS-Division of Youth Services, mentioned that DYS does not commit or punish any of the youth they service. These youth are committed to DYS by the court. DYS develops a treatment plan that is based on a very thorough assessment of each youth. He stated the \$45,000 per youth annual cost is a very conservative figure; if medical cost were included the cost would be much higher.

Mr. Steele stated that DYS has a fully accredited educational program, and once discharged youth will not have to repeat a grade. He added that DYS needs better transitional programs, which would allow kids to transition back into the community and enable DYS the opportunity to intensify educational and job training services. These transitional services would shorten the length of stay.

Another area of concern is sex offenders; specifically allowing offenders to return home where the offense occurred. It is important that offenders receive the treatment they need prior to returning home. Lastly, Mr. Steele pointed out that there are 468 youth in residential facilities, most of them are committed for misdemeanors or multiple misdemeanors, and they live in the same facilities with youth who have committed very serious felonies. (*Handout #5*).

Paul Kelly, Senior Policy Analyst, Arkansas Advocates for Children and Families, stated that in order to reduce crime in the community you have to break the cycle of crime. In order to do this there needs to be mandatory rehabilitation, education, counseling, and job training and drug treatment programs. Incarceration should be for youth that pose a serious risk to public safety.

Currently, assessments are performed on all youth who are committed to DYS custody. It is recommended that assessments be done prior to commitment to DYS. Seventy-five percent of the youth assessed score at low to moderate risk for re-offending. These juveniles are being subjected to the harshest penalty available to the courts. Also the over representation of minorities is a concern. African Americans represent 19% of the population and 21% of the school population, yet they represent 57% of those arrested at school, 39% of those held in detention centers and 50% of those committed to DYS. There needs to be alternatives addressing these issues and a cease to the criminalization of youth.

There is a school-to-prison pipeline, 3400 kids are arrested at school each year for simple assault. Simple assault means a physical altercation without injury and without a weapon. Schools are criminalizing juveniles with their Zero Tolerance Policies. There needs to be a common sense approach to restoring justice and reconciliation, so that the mistakes of childhood do not haunt and hamper an entire lifetime of possibilities for youth.

The committee discussed FINS and dependency-neglect cases and how some of these cases end up as delinquency cases, and the need for more data. Ms. Hickman-Tanner pointed out that it is prohibited by law, to commit any youth involved in a FINS case into the DYS system. These youth are detained in a detention center.

Representative Hammer requested information on which groups has the greatest success with juvenile programs: faith based organizations, community organizations, teachers, disgruntled parents and the like. He stated that this information would be useful to legislators when making decisions.

Judge Isbell responded by stating again, that the Juvenile Justice System is “personality driven” the more passionate the community, the more successful programs and healthy options you have in the community.

Representative Hobbs inquired about the funds that become available whenever there is a decrease in DYS beds. Mr. Steele stated that those funds are not placed back in the community. In the past these funds have been redirected to clear up budget issues.

Ms. Keith stated that in fiscal years 2005 through 2009, Community Based Program funding for the entire state was \$16.3 million and this year (2014) it is \$17.9 million, an increase of \$1.6 million over a ten year period. Due to the erosion of programs, sometimes kids are committed to DYS on misdemeanor charges, because of the lack of beds, and high caseworker caseloads.

Senator Flowers noted her concerns about schools shifting responsibility to the courts and children with special needs that end up in DYS custody due to court orders, who should be treated under the Individuals with Disabilities Education Act.

The Garrett’s Law Report, an agenda item for this meeting will be reviewed at the meeting scheduled for November 25, 2014, 1:30 p.m. [Exhibit F, F-1]

With no further business, the meeting adjourned at 12:40 p.m.