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INTERIM STUDY PROPOSAL 2015-057
As Engrossed: S3/23/15 S3/25/15

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 815

By: Senator L. Chesterfield

Filed with: Senate Interim Committee on Children and Youth
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REVIEW CERTAIN ACTIONS OF THE DIVISION OF
YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES BY
THE HOUSE COMMITTEE ON JUDICIARY AND THE SENATE
COMMITTEE ON JUDICIARY; AND FOR OTHER PURPOSES.

Subtitle

TO REVIEW CERTAIN ACTIONS OF THE DIVISION
OF YOUTH SERVICES OF THE DEPARTMENT OF
HUMAN SERVICES BY THE HOUSE COMMITTEE ON
JUDICIARY AND THE SENATE COMMITTEE ON
JUDICIARY.

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

SECTION 1. Arkansas Code § 9-28-203(d), concerning the powers and
duties of the Division of Youth Services, is amended to read as follows:

(d)(1) The division shall promulgate rules and regulations as
necessary to administer this subchapter.

(2) The regulations shall be reviewed by the Senate ~~Interim~~
Committee on Children and Youth Judiciary and the House Committee on Aging,
Children and Youth, Legislative and Military Affairs or any appropriate
legislative committee during legislative sessions.

SECTION 2. Arkansas Code § 9-28-205(f), concerning Youth Services
Centers, is amended to read as follows:

1 (f) The Department of Human Services and the Department of Education
2 shall report annually, beginning on March 1, 2010, to the House Committee on
3 *Aging, Children and Youth, Legislative and Military Affairs* and to the Senate
4 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary on the state of the
5 division's system of education.
6

7 SECTION 3. Arkansas Code § 9-28-216(b), concerning the promulgation of
8 rules by the Division of Youth Services, is amended to read as follows:

9 (b) No regulation pertaining to the separation of juvenile offenders
10 promulgated ~~hereafter~~ by the division shall be effective until reviewed by
11 *the Legislative Council, the House Committee on Aging, Children and Youth,*
12 *Legislative and Military Affairs, and the Senate ~~Interim~~ Committee on*
13 ~~Children and Youth~~ Judiciary, or appropriate subcommittees thereof, of the
14 General Assembly.
15

16 SECTION 4. Arkansas Code § 9-28-301(e) - (g), concerning inspections
17 by the Division of Youth Services, are amended to read as follows:

18 (e)(1) The Director of the Department of Health shall present a list
19 *of findings of the random health inspections to the House Committee on Aging,*
20 *Children and Youth, Legislative and Military Affairs and the Senate ~~Interim~~*
21 ~~Committee on Children and Youth~~ Judiciary within one (1) month after
22 completing the random health inspections.

23 (2)(A) In the event the General Assembly is in session, the
24 Director of the Department of Health shall provide the report to the House
25 *Committee on Aging, Children and Youth, Legislative and Military Affairs and*
26 *the Chair of the Senate Committee on ~~Children and Youth~~ Judiciary.*

27 (B) The complete report, including, but not limited to,
28 statistics, shall be made available to the public.

29 (f)(1) The Director of the Department of Human Services or the
30 division shall file the report, along with a response not to exceed two (2)
31 *pages, to the House Committee on Aging, Children and Youth, Legislative and*
32 *Military Affairs and the Senate ~~Interim~~ Committee on ~~Children and Youth~~*
33 Judiciary within thirty (30) days after receiving an inspection report
34 prepared by the Department of Health.

35 (2) In the event the General Assembly is in session, the
36 Director of the Department of Human Services shall provide the response to

1 *the House Committee on Aging, Children and Youth, Legislative and Military*
 2 *Affairs and the Chair of the Senate Committee on ~~Children and Youth~~*
 3 *Judiciary.*

4 (3) The response shall include a plan of correction and suggest
 5 a means by which the Department of Human Services or the division will
 6 correct any deficiencies within thirty (30) days of the filing of the report
 7 or within the time frame determined by the Department of Health to ensure the
 8 health and safety of the juveniles housed at the facility.

9 (g)(1) The Department of Human Services or the division shall develop
 10 an internal audit and review to evaluate and monitor all facilities of the
 11 division.

12 (2) The Department of Health will cooperate in training or
 13 assisting the Department of Human Services or the division in developing the
 14 process as it relates to health concerns.

15 (3) Included in its quarterly performance reports, the
 16 Department of Human Services or the division shall report on its progress to
 17 *the House Committee on Aging, Children and Youth, Legislative and Military*
 18 *Affairs and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary.*

19 (4) In the event the General Assembly is in session, the
 20 Director of the Department of Human Services shall provide the report to the
 21 *House Committee on Aging, Children and Youth, Legislative and Military*
 22 *Affairs and the Chair of the Senate Committee on ~~Children and Youth~~*
 23 *Judiciary.*

24
 25 SECTION 5. Arkansas Code § 9-28-302(e) - (g), concerning security
 26 inspections, is amended to read as follows:

27 (e)(1) The Director of the Department of Correction shall present a
 28 list of findings of the random security inspections to the House Committee on
 29 *Aging, Children and Youth, Legislative and Military Affairs and the Senate*
 30 *~~Interim~~ Committee on ~~Children and Youth~~ Judiciary within one (1) month after*
 31 *conducting the random security inspections.*

32 (2) In the event the General Assembly is in session, the
 33 Director of the Department of Correction shall provide the report to the
 34 *House Committee on Aging, Children and Youth, Legislative and Military*
 35 *Affairs and the Chair of the Senate Committee on ~~Children and Youth~~*
 36 *Judiciary.*

1 (3) The complete report including, but not limited to,
2 statistics shall be made available to the public.

3 (f)(1) The Director of the Department of Human Services or the
4 division shall file the report, along with a response not to exceed two (2)
5 *pages, to the House Committee on Aging, Children and Youth, Legislative and*
6 *Military Affairs and the Senate ~~Interim~~ Committee on ~~Children and Youth~~*
7 Judiciary within thirty (30) days of receiving an inspection report prepared
8 by the Department of Correction.

9 (2) In the event the General Assembly is in session, the
10 Director of the Department of Human Services shall provide the response to
11 *the House Committee on Aging, Children and Youth, Legislative and Military*
12 *Affairs and the Chair of the Senate Committee on ~~Children and Youth~~*
13 Judiciary.

14 (3) The response shall include a plan of correction and suggest
15 a means by which the Department of Human Services or the division will
16 correct any deficiencies within thirty (30) days of the filing of the report
17 or within the time frame determined by the Department of Correction to ensure
18 the health and safety of the juveniles housed at the facility.

19 (g)(1) The Department of Human Services or the division shall develop
20 an internal audit and review to evaluate and monitor all facilities of the
21 division.

22 (2) The Department of Correction will cooperate in training or
23 assisting the Department of Human Services or the division in developing this
24 process as it relates to security concerns.

25 (3)(A) In its quarterly performance reports, the Department of
26 Human Services or the division shall report on its progress to the House
27 *Committee on Aging, Children and Youth, Legislative and Military Affairs and*
28 *the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary.*

29 (B) In the event the General Assembly is in session, the
30 Director of the Department of Human Services shall provide the report to the
31 *House Committee on Aging, Children and Youth, Legislative and Military*
32 *Affairs and the Chair of the Senate Committee on ~~Children and Youth~~*
33 Judiciary.

34
35 SECTION 6. Arkansas Code § 9-28-405(m), concerning the duties of the
36 Child Welfare Agency Review Board, is amended to read as follows:

1 (m) All rules promulgated under this section and all public comment
 2 received in writing by the department in response shall be made available for
 3 review by the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and
 4 *the Subcommittee on Children and Youth of the House Committee on Aging,*
 5 *Children and Youth, Legislative and Military Affairs, and by the Governor or*
 6 *his or her designee from among the Governor's staff.*

7
 8 SECTION 7. Arkansas Code § 9-28-603(b)(6), concerning the independent
 9 living programs submitted by the Division of Youth Services, is amended to
 10 read as follows:

11 (6) Provide an annual report to the division and the Senate
 12 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and *the Subcommittee on*
 13 *Children and Youth of the House Committee on Aging, Children and Youth,*
 14 *Legislative and Military Affairs summarizing outcome data in areas related to*
 15 *educational achievement, employment, and criminal justice contact of the*
 16 *participants and other information as requested by the division.*

17
 18 SECTION 8. Arkansas Code § 9-32-203(b), concerning quarterly
 19 performance reports by the Division of Youth Services, is amended to read as
 20 follows:

21 (b) The Division of Youth Services Quarterly Performance Report, the
 22 Division of Behavioral Health Quarterly Performance Report, and the Division
 23 of Children and Family Services of the Department of Human Services Quarterly
 24 Performance Report shall contain, but not be limited to:

- 25 (1) Client outcome information;
 26 (2) Case status information;
 27 (3) Compliance information;
 28 (4) Management indicators; and
 29 (5) Other data agreed to by the Senate ~~Interim~~ Committee on
 30 *Children and Youth Judiciary, House Committee on Aging, Children and Youth,*
 31 *Legislative and Military Affairs, the Division of Behavioral Health, the*
 32 *Division of Children and Family Services of the Department of Human Services,*
 33 *and the Division of Youth Services.*

34
 35 SECTION 9. Arkansas Code § 9-32-204(b) and (c), concerning the
 36 Arkansas Child Welfare Report Card, is amended to read as follows:

1 (b) The Arkansas Child Welfare Report Card shall contain, but not be
2 limited to, for each county and the state as a whole:

3 (1) Client outcome information;

4 (2) Case status information;

5 (3) Compliance information;

6 (4) Management indicators; and

7 (5) Other data specified by the Senate ~~Interim~~ Committee on
8 Children and Youth Judiciary and the House Committee on Aging, Children and
9 Youth, Legislative and Military Affairs.

10 (c) The Arkansas Child Welfare Report Card shall be published and
11 transmitted to the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary
12 and the House Committee on Aging, Children and Youth, Legislative and
13 Military Affairs no later than December 1 of each year, and it must be
14 published in a format that can be easily understood by the general public.
15

16 SECTION 10. Arkansas Code § 9-32-205 is amended to read as follows:

17 9-32-205. Annual performance audits.

18 (a) The Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and
19 the House Committee on Aging, Children and Youth, Legislative and Military
20 Affairs shall conduct annual performance audits of the Division of Youth
21 Services of the Department of Human Services, the Division of Mental Health
22 Services of the Department of Human Services, and the Division of Children
23 and Family Services of the Department of Human Services.

24 (b) To establish performance auditing standards, the Senate ~~Interim~~
25 Committee on ~~Children and Youth~~ Judiciary and the House Committee on Aging,
26 Children and Youth, Legislative and Military Affairs shall use for guidance
27 the Standards for Audit of Governmental Organizations, Programs, Activities
28 and Functions (revised), published by the United States General Accounting
29 Office.

30 (c) The performance audits shall contain, but not be limited to, a
31 complete assessment of the compliance of the Division of Youth Services, the
32 Division of Behavioral Health Services, and the Division of Children and
33 Family Services of the Department of Human Services with state and federal
34 regulations and with the terms and conditions of the court-ordered settlement
35 agreement.

1 (d) To conduct the performance audit, the Senate ~~Interim~~ Committee on
2 ~~Children and Youth~~ Judiciary and the House Committee on Aging, Children and
3 Youth, Legislative and Military Affairs may utilize surveys, client
4 interviews, and other research methodology that it deems necessary.
5

6 SECTION 11. Arkansas Code § 9-32-206 is amended to read as follows:
7 9-32-206. Provision of information and assistance.

8 (a) The Division of Youth Services of the Department of Human
9 Services, the Division of Behavioral Health Services of the Department of
10 Human Services, and the Division of Children and Family Services of the
11 Department of Human Services shall make available to the Senate ~~Interim~~
12 Committee on ~~Children and Youth~~ Judiciary and the House Committee on Aging,
13 Children and Youth, Legislative and Military Affairs a list of all reports
14 the unit submits to the Director of the Department of Human Services.

15 (b) Under the direction of the director, the Division of Youth
16 Services, the Division of Behavioral Health Services, and the Division of
17 Children and Family Services of the Department of Human Services shall work
18 cooperatively with and provide any necessary assistance to the Senate ~~Interim~~
19 Committee on ~~Children and Youth~~ Judiciary and the House Committee on Aging,
20 Children and Youth, Legislative and Military Affairs.

21 (c) Notwithstanding any agency rules or regulations to the contrary,
22 the Division of Youth Services, the Division of Behavioral Health Services,
23 and the Division of Children and Family Services of the Department of Human
24 Services shall furnish information to members of the General Assembly,
25 legislative staff, or legislative committees immediately upon request.
26

27 SECTION 12. Arkansas Code Title 10, Chapter 3, Subchapter 2, is
28 amended to add an additional section to read as follows:

29 § 10-3-221. Monitoring of provider services to the Division of Youth
30 Services.

31 Prior to final review by the Legislative Council, the Senate Committee
32 on Judiciary and the House Committee on Aging, Children and Youth,
33 Legislative and Military Affairs shall review any rules submitted to the
34 Legislative Council by the Division of Youth Services.
35

1 SECTION 13. Arkansas Code § 16-87-216(c)(13), concerning the Juvenile
2 Ombudsman Division, is amended to read as follows:

3 (13)(A) To prepare annual reports on the overall functioning of
4 the division's ability to provide for the safety, health, education, and
5 rehabilitation of juveniles committed to the Division of Youth Services.

6 (B) The report shall be submitted to:

7 (i) The Director of the Department of Human Services
8 and the Director of the Division of Youth Services;

9 (ii) The House Committee on ~~Aging, Children and~~
10 ~~Youth, Legislative and Military Affairs~~ Aging, Children and Youth,
11 Legislative and Military Affairs;

12 (iii) The Senate ~~Interim~~ Committee on ~~Children and~~
13 ~~Youth~~ Judiciary;

14 (iv) The judges of the juvenile divisions of circuit
15 court; and

16 (v) The Governor;

17
18 SECTION 14. Arkansas Code § 25-10-136 is amended to read as follows:
19 25-10-136. Private service contract notice required.

20 (a) The Department of Human Services shall notify the Senate ~~Interim~~
21 ~~Committee on Children and Youth~~ Judiciary and the House Committee on *Aging,*
22 *Children and Youth, Legislative and Military Affairs* prior to privatizing any
23 functions or responsibilities of the Division of Youth Services of the
24 Department of Human Services.

25 (b) The report shall be in writing and shall be submitted to the
26 Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House
27 *Committee on Aging, Children and Youth, Legislative and Military Affairs* at
28 *least sixty (60) days prior to entering into a contract with a private*
29 *business entity.*

30 (c) In the event the General Assembly is in session, the Director of
31 the Department of Human Services shall provide the report to the House
32 *Committee on Aging, Children and Youth, Legislative and Military Affairs* and
33 *the chair of the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary.*
34

35 SECTION 15. Arkansas Code § 25-10-137(b), concerning Division of Youth
36 Services private service contracts, is amended to read as follows:

1 (b) The department shall report to the Senate ~~Interim~~ Committee on
2 ~~Children and Youth~~ Judiciary and the House Committee on Aging, Children and
3 Youth, Legislative and Military Affairs or appropriate subcommittees thereof
4 at least annually regarding the performance evaluation of each contract.
5

6 SECTION 16. Arkansas Code § 25-10-138(b), concerning Division of Youth
7 Services regulations, is amended to read as follows:

8 (b) No regulation pertaining to education requirements for youth
9 service workers or security officers promulgated hereafter by the Division of
10 Youth Services shall be effective until reviewed by the Legislative Council,
11 the House Committee on Aging, Children and Youth, Legislative and Military
12 Affairs, and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary or
13 appropriate subcommittees thereof of the General Assembly.
14

15 SECTION 17. Arkansas Code § 25-10-139(b), concerning regulations
16 promulgated by the Division of Youth Services, is amended to read as follows:

17 (b) No regulation pertaining to the training required of youth service
18 workers and security officers promulgated hereafter by the division shall be
19 effective until reviewed by the Legislative Council, the House Committee on
20 Aging, Children and Youth, Legislative and Military Affairs, and the Senate
21 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary or appropriate
22 subcommittees thereof of the General Assembly.
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24 /s/L. Chesterfield
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27 Referred by the Arkansas Senate

28 Prepared by: VJF
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