

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 864

"AN ACT TO REVISE THE DUTIES AND ROLE OF THE JUVENILE OMBUDSMAN
DIVISION WITHIN THE ARKANSAS PUBLIC DEFENDER COMMISSION."

Amendment No. 1 to Senate Bill No. 864.

Amend Senate Bill No. 864 as engrossed, S4/4/01:

Page 1, line 9, add "AMEND ARKANSAS CODE 16-87-216 AND" after "TO" and before "REVI SE"

AND

Page 1, line 15, add "AMEND ARKANSAS CODE 16-87-216 AND" after "TO" and before "REVI SE"

AND

Page 1, delete line 22 and substitute

SECTION 1. Arkansas Code 16-87-216 is amended to read as

follows:

16-87-216. Juvenile Ombudsman Division.

~~(a) For purposes of this section, the following definitions shall apply:~~

~~(1) "Executive director" means the Executive Director of the Arkansas Public Defender Commission;~~

~~(2) "DYS" means the Division of Youth Services of the Department of Human Services;~~

~~(3) "Juvenile" means any juvenile who has been committed to the custody of the Division of Youth Services pursuant to a disposition order of a juvenile division of a circuit chancery court;~~

~~(4) "Best interests of the juvenile" include those actions and courses of action which:~~

~~(A) Keep the juvenile safe from physical, mental, or sexual abuse while in state custody;~~

~~(B) Carry out the court's disposition plan; and~~

~~(C) Work toward rehabilitating the juvenile.~~

~~(b)(1) It is the intent of the General Assembly to create a Juvenile Ombudsman Division of the Arkansas Public Defender Commission to provide for an independent oversight mechanism of the secure facilities to which many~~

~~juveniles are committed once placed in state custody pursuant to a disposition order.~~

~~(2)(A) There shall be created within the Arkansas Public Defender Commission a Juvenile Ombudsman Division.~~

~~(B) Within this division, there shall be regional offices located in the geographic vicinity of the facilities to which juveniles in the custody of the Division of Youth Services have been committed.~~

~~(c)(1) The executive director shall appoint each juvenile ombudsman and select a chief ombudsman to assist in the administration of the program.~~

~~(2) The minimum qualifications for a juvenile ombudsman shall be as follows:~~

~~(A) A master's degree in:~~

~~(i)(a) Social work;~~

~~(b) Psychology; or~~

~~(c) Law; or~~

~~(ii) A related field; or~~

~~(B) A bachelor degree in:~~

~~(i)(a)(1) Social work;~~

~~(2) Psychology; or~~

~~(3) Law; or~~

~~(b) A related field; and~~

~~(ii) Four (4) years' direct experience in programs serving juvenile offenders and their families.~~

~~(3) Support staff for each regional office shall be hired by the executive director.~~

~~(d)(1) Each juvenile committed to a secure Division of Youth Services facility shall be appointed a juvenile ombudsman.~~

~~(2) The powers and duties of the juvenile ombudsman shall be as follows:~~

~~(A) To initiate and maintain contact with the juvenile throughout the juvenile's custodial placement and for a period of up to six (6) months following the juvenile's release from state custody;~~

~~(B) To explain:~~

~~(i) The disposition and the treatment plan to the juvenile and the juvenile's family; and~~

~~(ii) What is expected of the juvenile and the family;~~

~~(C) To work with the Division of Youth Services and other persons involved in the treatment plan to ensure that the letter and spirit of the court's orders are carried out, including, but not limited to, meeting with treatment teams as needed and appropriate;~~

~~(D) To document the juvenile's questions, complaints, and concerns and seek answers to those questions and address the complaints and concerns in an expedient manner;~~

~~(E) To request and review, as needed, all records on the history and treatment of the juvenile, including family and foster care history as well as any previous Division of Youth Services custodial placements;~~

~~(F) To maintain frequent contact or communication with the following:~~

~~(i) The juvenile;~~

~~(ii) The juvenile's family;~~

~~(iii) Division of Youth Services officials, including, but not limited to, school and treatment staff of the Division of Youth Services and private entities involved in the custody and care of the juvenile;~~

~~(iv) The court having jurisdiction over the juvenile, in the form of progress reports, to be submitted at least every forty five (45) days; and~~

~~(v) The executive director;~~

~~(G)(i) To identify instances where necessary services are not being provided or are not being provided in an appropriate manner.~~

~~(ii) When such a problem is identified, the ombudsman shall:~~

~~(a) Notify the Director of the Division of Youth Services, the juvenile court having jurisdiction, and the juvenile's attorney or attorneys of the problem; and~~

~~(b) Seek to mediate an appropriate solution which is consistent with the orders of the court and in the best interests of the juvenile;~~

~~(H) To make unannounced visits to the Division of Youth Services facilities in the ombudsman's region, whether state run or privately operated facilities, to assure the safety and well being of the juveniles;~~

~~(I) Upon receipt of a complaint, the ombudsman shall follow the child maltreatment act, § 12-12-501 et seq., in reporting the complaint to:~~

~~(i) The executive director;~~

~~(ii) The Department of Arkansas State Police; and~~

~~(iii) The Director of the Division of Youth Services, who shall be responsible for ensuring that the juvenile is immediately sequestered to an area of safety; and~~

~~(J) To prepare annual reports on the overall functioning of each facility in the ombudsman's region to be submitted to:~~

~~(i) The executive director;~~

~~(ii) The juvenile court;~~

~~(iii) The Director of the Division of Youth Services;~~

~~(iv) The House Interim Committee on Aging, Children & Youth, Legislative and Military Affairs;~~

~~(v) The Senate Interim Committee on Children and Youth; and~~

~~(vi) The Governor.~~

~~(e)(1) All matters under investigation by the Juvenile Ombudsman Division shall be confidential.~~

~~(2) However, disclosure may be necessary to perform the duties of the office and to support recommendations resulting from the investigation.~~

~~(f)(1) The executive director shall operate the Juvenile Ombudsman Division in such a manner that the respective juvenile ombudsmen shall not be deemed to be a part of the same office for purposes of appointments in conflict of interest situations.~~

~~(2)(A) In a situation in which there is convincing physical evidence to support an allegation of abuse by a juvenile which stems from involvement with another juvenile assigned to the same ombudsman, the~~

~~ombudsman shall notify the executive director of the conflict situation.~~

~~(B) The executive director shall then assign a temporary ombudsman from within the system or, if necessary, appoint a temporary ombudsman from outside the system for each juvenile involved until the situation is resolved.~~

~~(C) In the event a temporary ombudsman is appointed from outside the Juvenile Ombudsman Division, compensation for the temporary ombudsman shall be paid by the Arkansas Public Defender Commission.~~

(a) For purposes of this section, the following"

Page 1, delete line 30 and substitute
"the juvenile division of a circuit court.

(4) "Best interests of the juvenile" includes those actions and courses of action which:

(A) Keep the juvenile safe from physical, mental or sexual abuse while in state custody;

(B) Are considerate of the court's recommendations and adhere to the juvenile's treatment plan; and

(C) Work toward rehabilitating the juvenile."

AND

Page 2, line 16, add "and duties" after "powers" and before "of"

AND

Page 2, delete lines 23 and 24

AND

Page 2, line 25, delete "(3)" and substitute "(2)"

AND

Page 2, delete lines 26 and 27 and substitute
"juvenile intake, program progress or aftercare planning."

AND

Page 2, line 28, delete "(4)" and substitute "(3)"

AND

Page 2, line 31, delete "(5)" and substitute "(4)"

AND

Page 2, line 35, delete "(6)" and substitute "(5)"

AND

Page 3, delete lines 2 through 36 and substitute

"(6) The ombudsman may initiate and maintain contact with any juvenile during the juvenile's custodial placement or while on aftercare status.

(7) The ombudsman shall be given access to the juveniles and juveniles' records and meetings of program progress and case planning at all Division of Youth Services privately contracted facilities.

(8) Identify instances where necessary services are not being provided with respect to the safety, health, education, and rehabilitation of the juvenile as identified in a treatment plan. When a problem is identified, the ombudsman shall notify the Director of the Division of Youth Services or the director's designee, the juvenile court having jurisdiction, the juvenile's parents or guardian, the juvenile's attorney or attorneys of the problem.

(9) Document juvenile's questions, complaints and concerns related to the juvenile's health, safety, education and treatment, and seek answers to those questions and address the complaints and concerns in an expedient manner.

(10) To request and review, as needed, all records on the history and treatment of the juvenile while in the custody of the division or in aftercare, including related agency and court records.

(11) To make unannounced visits to the Division of Youth Services facilities, whether state run or privately operated, to assure the safety and well being of the juveniles.

(12) Upon receipt of a complaint involving alleged child maltreatment, the ombudsman shall immediately report the alleged incident to the Child Abuse Hotline, the facility director and the Director of the Division of Youth Services or the director's designee, who shall be responsible for ensuring the juvenile's safety.

(13) To prepare annual reports on the overall functioning of the Division of Youth Services ability to provide for the safety, health, education and rehabilitation of juveniles committed to DYS. The report shall be submitted to:

(A) The Director of Department of Human Services and the Director of the Division of Youth Services;

(B) The House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs;

(C) The Senate Interim Committee on Children and Youth;

(D) The judges of the Juvenile Division of Circuit Court;

and

(E) The Governor.

(14) To prepare annual reports comparing the court's recommendations, DYS's treatment plans and the actual services provided.

(15) Division's Audit and Compliance process to verify that each juvenile has unhampered access to a grievance process that addresses the juvenile's questions, complaints, and concerns in a timely manner in accordance with Division of Youth Services policy and procedure or applicable statute.

AND

Page 4, delete lines 1 through 34

AND

Page 4, line 35, delete "(i)" and substitute "(d)"

AND

Delete Section 2

AND

Appropriately renumber subsequent sections

The Amendment was read _____
By: Representative Carson
PBB/RTK - 041120011457
RTK489

Chief Clerk