

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representatives Beatty, Schexnayder, Laverty, M. Wilson, Curran, and
5 Northcutt

A Bill

HOUSE BILL 1336

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 9-27-330, 9-27-332, 9-27-334, 9-28-204(b), 9-28-209(a)(1), 9-9-220(b) AND 9-27-341(b)(4) TO CLARIFY THE POWERS, DUTIES AND RESPONSIBILITIES OF THE JUVENILE COURT; AND FOR OTHER PURPOSES."

Subtitle

"AN ACT TO AMEND THE ARKANSAS JUVENILE CODE TO SET FORTH THE POWERS, DUTIES AND RESPONSIBILITIES OF THE JUVENILE COURT."

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

SECTION 1. Arkansas Code Annotated § 9-27-330(a) is amended to read as follows:

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

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

(B) Commit the juvenile to a youth services center using the Risk Assessment System for Arkansas Juvenile Offenders developed by the 1990 Youth Services Center Commitment Criteria Review Committee to be distributed and administered by the Administrative Office of the Courts.

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

1 placement in the order;

2 (ii) Upon receipt an order of commitment with
3 recommendations for placement, the Division of Youth Services shall consider
4 the recommendations of the committing court in placing a youth in a youth
5 services facility or a community-based program;

6 (C) In all cases in which both commitment and transfer of
7 legal custody are ordered by the court in the same order, transfer of custody
8 will be entered only upon compliance with the provisions of Ark. Code Ann. §§
9 9-27-310, 311, 312, 316, 327 and 328.

10 (2) Order the juvenile or members of the juvenile_s family to
11 submit to physical, psychiatric, or psychological evaluations;

12 (3) Grant permanent custody to an individual upon proof that the
13 parent or guardian from whom the juvenile has been removed has not complied
14 with the orders of the court and that no further services or periodic reviews
15 are required;

16 (4)(A) Place the juvenile on probation under those conditions
17 and limitations that the court may prescribe pursuant to § 9-27-339(a).

18 (B)(i) In addition, the court shall have the right, as a
19 term of probation, to require the juvenile to attend high school or make
20 satisfactory progress toward a general education development certificate.

21 (ii) The court shall have the right to revoke
22 probation if the juvenile fails to regularly attend high school classes or if
23 satisfactory progress toward a general education development certificate is
24 not being made;

25 (5) Order a probation fee, not to exceed twenty dollars (\$20.00)
26 per month, as provided in § 16-13-326(a);

27 (6) Assess a court cost of no more than thirty-five dollars
28 (\$35.00) to be paid by the juvenile, his parent, both parents, or his
29 guardian;

30 (7)(A) Order restitution to be paid by the juvenile, a parent,
31 both parents, the guardian, or his custodian.

32 (B) If the custodian is the State of Arkansas, both
33 liability and the amount which may be assessed shall be determined by the
34 Arkansas State Claims Commission;

35 (8) Order a fine of not more than five hundred dollars (\$500) to

1 be paid by the juvenile, a parent, both parents, or the guardian;

2 (9) Order that the juvenile and his parent, both parents, or the
3 guardian perform court-approved volunteer service in the community designed
4 to contribute to the rehabilitation of the juvenile or to the ability of the
5 parent or guardian to provide proper parental care and supervision of the
6 juvenile not to exceed one hundred and sixty (160) hours;

7 (10) Order that the parent, both parents, or the guardian of the
8 juvenile attend a court-approved parental responsibility training program, if
9 available. The court may make reasonable orders requiring proof of
10 completion of such training program within a certain time period and payment
11 of a fee covering the cost of the training program. The court may provide
12 that any violation of such orders shall subject the parent, both parents, or
13 the guardian to the contempt sanctions of the court;

14 (11)(A)(i) Order that the juvenile remain in a juvenile
15 detention facility for an indeterminate period not to exceed ninety (90)
16 days.

17 (ii) The court may further order that the juvenile
18 be eligible for work release or to attend school or other educational or
19 vocational training.

20 (B) The juvenile detention facility shall afford
21 opportunities for education, recreation, and other rehabilitative services to
22 adjudicated delinquents;

23 (12) Place the juvenile on residential detention with electronic
24 monitoring, either in the juvenile_s home or in another facility as ordered
25 by the court;

26 (13)(A) Order the parent, both parents, or the guardian of any
27 juvenile adjudicated delinquent and committed to a youth services center,
28 detained in a juvenile detention facility, or placed in foster care, to be
29 liable for the cost of the commitment, detention, or foster care.

30 (B)(i) The court shall take into account the financial
31 ability of the parent, both parents, or the guardian to pay for such
32 commitment, detention, or foster care.

33 (ii) The court shall take into account the past
34 efforts of the parent, both parents, or the guardian to correct the
35 delinquent juvenile_s conduct.

1 (iii) The court shall take into account, if the
2 parent is a noncustodial parent,; the opportunity the parent has had to
3 correct the delinquent juvenile_s conduct.

4 (iv) The court shall take into account any other
5 factors the court deems relevant.

6 (13) Order the Department of Finance and Administration to suspend the
7 driving privileges of any juvenile adjudicated delinquent. The order shall
8 be prepared and transmitted to the department within twenty-four (24) hours
9 after the juvenile has been found delinquent and is sentenced to have his
10 driving privileges suspended. The court may provide in the order for the
11 issuance of a restricted driving permit to allow driving to and from a place
12 of employment or driving to and from school or for other circumstances;"

13

14 SECTION 2. Arkansas Code Annotated § 9-27-332 is amended to read as
15 follows:

16 "9-27-332. Disposition - Family in need of services - Generally.

17 If a family is found to be in need of services, the court may enter an
18 order making any of the following dispositions:

19 (1) Order family services. In all cases in which family services are
20 ordered, the court shall determine the parent_s, guardian_s or custodian_s
21 ability to pay, in whole or in part, said services. Said determination, and
22 the evidence supporting it, shall be made in writing in the order ordering
23 family services. If the court determines that the parent, guardian or
24 custodian is able to pay, in whole or part, for said services, the court
25 shall enter a written order setting forth the amounts the parent, guardian,
26 or custodian can pay for the family service(s) ordered, and ordering the
27 parent, guardian, or custodian to pay such amount periodically to the
28 provider from whom family services are received. For purposes of this
29 subsection, 'periodically' is deemed to be a period of time no greater than
30 once per month; further, that parent, guardian and custodian refers to the
31 individual or individuals from whom custody was removed. In making its
32 determination, the court shall consider the following factors:

33 (A) The financial ability of the parent, both parents, the
34 guardian(s), or custodian(s) to pay for such services;

35 (B) The past efforts of the parent, or both parents, the

1 guardian(s), or the custodian(s) to correct the conditions which resulted in
2 the need for family services; and

3 (C) Any other factors which the court deems relevant.

4 (2) Transfer custody of juvenile family members to the Department of
5 Human Services or to another licensed agency responsible for the care of
6 juveniles, or to a relative or other individual.

7 (3) Grant permanent custody to an individual upon proof that the
8 parent or guardian from whom the juvenile has been removed has not complied
9 with the orders of the court and that no further services or periodic reviews
10 are required.

11 (4) Order that the parent, both parents, or the guardian of the
12 juvenile attend a court-ordered parental responsibility training program, if
13 available. The court may make reasonable orders requiring proof of
14 completion of such training program within a certain time period and payment
15 of a fee covering the cost of the training program. The court may provide
16 that any violation of such orders shall subject the parent, both parents, or
17 the guardian to contempt sanctions of the court."

18

19 SECTION 3. Arkansas Code Annotated § 9-27-334 is amended to read as
20 follows:

21 "9-27-334. Disposition - Dependent-neglected - Generally.

22 (a) If a juvenile is found to be dependent-neglected, the court may
23 enter an order making any of the following dispositions:

24 (1) Order family services;

25 (2) Transfer custody of the juvenile to the Department of Human
26 Services or to another licensed agency responsible for the care of juveniles,
27 or to a relative or other individual; or

28 (3) Grant permanent custody to an individual upon proof that the
29 parent or guardian from whom the juvenile has been removed has not complied
30 with the orders of the court and that no further services or periodic reviews
31 are required.

32 (4) Order that the parent, both parents, or the guardian of the
33 juvenile attend a court-ordered parental responsibility training program, if
34 available. The court may make reasonable orders requiring proof of
35 completion of such training program within a certain time period and payment

1 of a fee covering the cost of the training program. The court may provide
2 that any violation of such orders shall subject the parent, both parents, or
3 the guardian to contempt sanctions of the court.

4 (b) Such order of custody shall supersede an existing court order of
5 custody and shall remain in full force and effect until a subsequent order of
6 custody is entered by a court of competent jurisdiction.

7 (c) For purposes of this section, the court shall not specify a
8 particular provider for placement or family services."
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10 SECTION 4. Arkansas Code 9-28-204(b) is amended to read as follows:

11 "(b) The board shall provide direction for the development of
12 community-based alternatives to the incarceration of youth up to the age of
13 twenty-one (21) years who:

14 (1) Exhibit behavior that if continued would possibly bring them
15 into contact with law enforcement or judicial systems;

16 (2) Are adjudicated delinquent;

17 (3) Have committed an act which if committed by an adult would
18 not have been considered a crime; or

19 (4) Have been found guilty of a crime and sentenced to a youth
20 services center."
21

22 SECTION 5. Arkansas Code 9-28-209(a)(1) is amended by adding a new
23 subdivision to read as follows:

24 "(C) Commitment shall not exceed the eighteenth birthday of a youth,
25 unless the Department of Human Services' Institutional Systems Board
26 determines that an adequate facility or facilities is available to youth
27 eighteen (18) to twenty-one (21) years of age."
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29 SECTION 6. Arkansas Code 9-9-220(b) is amended to read as follows:

30 "(b) All rights of a parent with reference to a child, including the
31 right to receive notice of a hearing on a petition for adoption, may be
32 relinquished and the relationship of parent and child terminated by a writing
33 signed by the parent, subsequent to the court's approval."
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35 SECTION 7. Arkansas Code 9-27-341(b)(4) is amended to read as follows:

1 "(4) A parent has abandoned the juvenile or has executed consent,
2 subject to the court's approval, to termination of parental rights or
3 adoption of the juvenile."
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5 SECTION 8. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.
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9 SECTION 9. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 10. All laws and parts of laws in conflict
16 with this act are hereby repealed.

17 /s/Rep. Beatty, et al
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