

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

SENATE BILL 239

4  
5 By: Senator Ross, Beebe, Gordon, Everett, Todd, Smith, Boozman, Hunter, Brown, and Webb

## For An Act To Be Entitled

9 "AN ACT TO AMEND THE ARKANSAS CODE TO SUBSTITUTE SENATE  
10 INTERIM COMMITTEE ON CHILDREN AND YOUTH FOR THE JOINT  
11 INTERIM COMMITTEE ON CHILDREN AND YOUTH; AND FOR OTHER  
12 PURPOSES."

## Subtitle

15 "TO SUBSTITUTE SENATE INTERIM COMMITTEE  
16 ON CHILDREN AND YOUTH FOR THE JOINT  
17 INTERIM COMMITTEE ON CHILDREN AND  
18 YOUTH."

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

23 SECTION 1. Arkansas Code 9-28-203 (d) is amended to read as follows:

24 "(d)(1) The Division of Youth Services shall promulgate rules and  
25 regulations as necessary to administer this subchapter.

26 (2) The regulations shall be reviewed by the ~~Joint~~ Senate Interim  
27 Committee on Children and Youth or any appropriate legislative committee  
28 during legislative sessions."

30 SECTION 2. 9-28-505 is amended to read as follows:

31 "§ 9-28-505. Rules and regulations.

32 The Director of the Department of Human Services shall adopt rules and  
33 regulations necessary to carry out the provisions of this subchapter, pursuant  
34 to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., except that  
35 the director shall not commence the process under the Administrative Procedure  
36 Act until the proposed rules and regulations have been reviewed by the ~~General~~

1 ~~Assembly's Joint Senate Interim~~ Committee on Children and Youth."

2

3 SECTION 3. Arkansas Code 9-28-603(b)(8), pertaining to reports by  
4 therapeutic group homes and independent living programs, is amended to read as  
5 follows:

6 "(8) Provide an annual report to the division and the ~~Joint Senate~~  
7 Interim Committee on Children and Youth of the General Assembly summarizing  
8 outcome data in areas related to educational achievement, employment, and  
9 criminal justice contact of the participants and other information as  
10 requested by the division."

11

12 SECTION 4. Arkansas Code 9-32-203 is amended to read as follows:

13 "§ 9-32-203. Quarterly performance reports.

14 (a)(1) The Division of Youth Services and the Division of Children and  
15 Family Services are hereby directed to issue to the ~~Joint Senate Interim~~  
16 Committee on Children and Youth of the General Assembly a quarterly report on  
17 the performance of the child welfare system.

18 (2) These quarterly reports will be known as the Division of Youth  
19 Services and the Division of Children and Family Services Quarterly  
20 Performance Reports and shall be transmitted to the ~~Joint Senate Interim~~  
21 Committee on Children and Youth no later than thirty (30) calendar days after  
22 the end of each calendar quarter.

23 (b) The Division of Youth Services and the Division of Children and  
24 Family Services Quarterly Performance Reports shall contain, but not be  
25 limited to:

26 (1) Client outcome information;

27 (2) Case status information;

28 (3) Compliance information;

29 (4) Management indicators; and

30 (5) Other data agreed to by the ~~Joint Senate Interim~~ Committee on  
31 Children and Youth and the Division of Children and Family Services and the  
32 Division of Youth Services."

33

34 SECTION 5. Arkansas Code 9-32-204 (b) and (c) are amended to read as  
35 follows:

36 "(b) The Arkansas Child Welfare Report Card shall contain, but not be

1 limited to, for each county and the state as a whole:

- 2 (1) Client outcome information;
- 3 (2) Case status information;
- 4 (3) Compliance information;
- 5 (4) Management indicators; and
- 6 (5) Other data specified by the ~~Joint~~ Senate Interim Committee on
- 7 Children and Youth.

8 (c) The Arkansas Child Welfare Report Card shall be published and  
 9 transmitted to the ~~Joint~~ Senate Interim Committee on Children and Youth no  
 10 later than December 1 of each year, and it must be published in a format that  
 11 can be easily understood by the general public."

12

13 SECTION 6. Arkansas Code 9-32-205 (a)(b)(d) are amended to read as  
 14 follows:

15 "(a) The ~~Joint~~ Senate Interim Committee on Children and Youth shall  
 16 conduct annual performance audits of the Division of Youth Services and the  
 17 Division of Children and Family Services.

18 (b) To establish performance auditing standards, the ~~Joint~~ Senate  
 19 Interim Committee on Children and Youth shall use for guidance the Standards  
 20 for Audit of Governmental Organizations, Programs, Activities and Functions  
 21 (revised), published by the United States General Accounting Office.

22 (d) To conduct the performance audit, the ~~Joint~~ Senate Interim  
 23 Committee on Children and Youth may utilize surveys, client interviews, and  
 24 other research methodology that it deems necessary."

25

26 SECTION 7. Arkansas Code 9-32-206 (a)(b) are amended to read as  
 27 follows:

28 "(a) The Division of Youth Services and the Division of Children and  
 29 Family Services shall make available to the ~~Joint~~ Senate Interim Committee on  
 30 Children and Youth a list of all reports the unit submits to the Director of  
 31 the Department of Human Services.

32 (b) Under the direction of the Director of the Department of Human  
 33 Services, the Division of Youth Services and the Division of Children and  
 34 Family Services shall work cooperatively with and provide any necessary  
 35 assistance to the ~~Joint~~ Senate Interim Committee on Children and Youth."

36

1 SECTION 8. Arkansas Code 9-32-207 is amended to read as follows:

2 "§ 9-32-207. Annual report to General Assembly.

3 The ~~Joint Senate Interim~~ Committee on Children and Youth shall report annually  
4 to the General Assembly its findings and recommendations regarding the child  
5 welfare program."

6

7 SECTION 9. Arkansas Code 10-3-1302 is repealed:

8 ~~§ 10-3-1302. Creation - Members - Cochairmen.~~

9 ~~—— (a) There is created a joint standing committee of the House of~~  
10 ~~Representatives and the Senate of the General Assembly to be known as the~~  
11 ~~"Joint Committee on Children and Youth".~~

12 ~~—— (b) The committee shall be a select committee of the House and Senate~~  
13 ~~whose members shall be chosen as follows:~~

14 ~~—— (1) Ten (10) members of the Senate to be named by the Senate Committee on~~  
15 ~~Committees; and~~

16 ~~—— (2) Ten (10) members of the House of Representatives to be selected in~~  
17 ~~accordance with House Rules.~~

18 ~~—— (c)(1) Members of the Joint Committee on Children and Youth shall be~~  
19 ~~appointed at each regular biennial session of the General Assembly and shall~~  
20 ~~serve until the convening of the next regular session of the General Assembly.~~  
21 ~~However, members appointed to the joint committee shall continue to serve on~~  
22 ~~it until they resign or cease to serve as a member of the house from which~~  
23 ~~they were appointed.~~

24 ~~—— (2) Members appointed to the Joint Committee on Children and Youth shall~~  
25 ~~serve on that committee in addition to their service on the regular standing~~  
26 ~~and select committees of the Senate.~~

27 ~~—— (d) The Senate Committee on Committees shall designate one (1) of the~~  
28 ~~Senate members of the Joint Committee on Children and Youth to serve as the~~  
29 ~~Senate cochairman of the committee and one (1) of the Senate members to serve~~  
30 ~~as Senate vice chairman of the committee; and the highest ranking member of~~  
31 ~~the House of Representatives on the committee shall be the House cochairman of~~  
32 ~~the committee and the second highest ranking member of the House of~~  
33 ~~Representatives on the committee shall be the House vice chairman of the~~  
34 ~~committee. The Cochairmen of the Joint Committee on Children and Youth shall~~  
35 ~~preside at alternate meetings of that committee unless the cochairmen shall~~  
36 ~~agree otherwise.~~

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SECTION 10. Arkansas 10-3-1303 is amended to read as follows:

"§ 10-3-1303. Duties.

The ~~Joint~~ Senate Interim Committee on Children and Youth shall make continuing studies and shall cooperate with the appropriate agencies of this state, agencies of the United States Government, and the Congress of the United States in the exchange and dissemination of information and in the development of legislation designed to coordinate planning and to try new ways to prevent young people from falling through the cracks."

SECTION 11. Arkansas Code 10-3-1320 is amended to read as follows:

"§ 10-3-1320. Interim operation - Vacancies.

(a) ~~The members of the House of Representatives and the Senate appointed at each regular session of the General Assembly to the Joint Senate Interim Committee on Children and Youth shall constitute a joint ad interim committee of the General Assembly to be composed of ten (10) members appointed pursuant to Senate Rules and shall function in the interim between the sine die adjournment or extended recess of the regular session of each General Assembly until the convening of the next regular session of the General Assembly or the convening of the current General Assembly during an extended recess. This joint ad interim committee shall be known as the "Joint Interim Committee on Children and Youth" and shall function in addition to the other joint interim committees of the General Assembly established by law. In the event a vacancy shall occur on the Joint Interim Committee on Children and Youth, the vacancy shall be filled in the same manner as provided for the initial appointment.~~

(b) The ~~Joint~~ Senate Interim Committee on Children and Youth shall make continuing studies pertaining to the safety, health, development, and problems of children. The studies may either be initiated by the committee or referred to it by either house of the General Assembly for study in the interim between sessions of the General Assembly. Interim study proposals and resolutions relating to children, which are filed with the Legislative Council under the provisions of § 10-3-214 for review and referral to the appropriate germane joint interim committee of the General Assembly, shall be referred to the ~~Joint~~ Senate Interim Committee on Children and Youth. The committee shall undertake each study referred to it by members of the General Assembly or by

1 the Legislative Council and shall submit a report of its findings and  
 2 recommendations in regard to each study request prior to the convening of the  
 3 next regular session of the General Assembly.

4 (c) In addition, the ~~Joint~~ Senate Interim Committee on Children and  
 5 Youth shall exercise leadership in the interim between legislative sessions  
 6 and shall attempt to coordinate for the various committees of the General  
 7 Assembly the various activities, studies, and planning activities of the  
 8 General Assembly which relate to children and youth, delivery of services to  
 9 children, and use of funding resources for programs and services.

10 (d) The ~~Joint~~ Senate Interim Committee on Children and Youth shall  
 11 cooperate with the Governor, the appropriate administrative agencies of this  
 12 state, legislative and administrative agencies of other states, and the  
 13 federal government, including participation in regional and national meetings  
 14 and seminars of state and federal officials in the exchange of information and  
 15 data on children and youth problems and resolution of those problems."

16

17 SECTION 12. Arkansas Code 10-3-1321 (a) is amended to read as follows:

18 "(a) The ~~Joint~~ Senate Interim Committee on Children and Youth shall  
 19 meet upon call by ~~either or both of the cochairmen~~ chairman of the committee,  
 20 or at such other times as may be provided in the committee rules, or upon  
 21 written call by any five (5) of its members."

22

23 SECTION 13. Arkansas Code 10-3-1322 and 10-3-1323 are amended to read  
 24 as follows:

25 "§ 10-3-1322. Reimbursement of expenses - Staff assistance.

26 (a)(1) Members of the ~~Joint~~ Senate Interim Committee on Children and  
 27 Youth shall be entitled to per diem and mileage for attending each meeting of  
 28 the ~~Joint~~ Senate Interim Committee on Children and Youth or in attending to  
 29 committee-authorized business at the same rate as provided by law for members  
 30 of the General Assembly for attending meetings of the ~~joint~~ interim committees  
 31 of the General Assembly.

32 (2) The per diem and mileage, including reimbursement for expenses  
 33 for attending out-of-state meetings as provided by law, shall be paid from  
 34 funds appropriated for per diem, mileage, and expenses for members of the  
 35 General Assembly for attending ~~joint~~ interim committee meetings or from other  
 36 funds provided by law for that purpose.

1 (b) The Bureau of Legislative Research of the Arkansas Legislative  
 2 Council shall furnish staff assistance as may be requested by the ~~Joint~~  
 3 Senate Interim Committee on Children and Youth."

4

5 "§ 10-3-1323. Compliance with child welfare reform.

6 (a) The General Assembly finds that the requirements with which the  
 7 state must comply pursuant to the consent decree from Angela R., et al. v.  
 8 Bill Clinton, et al. and the Arkansas Child Welfare Reform Document demand  
 9 close observation and study; that the future of the state's children and youth  
 10 relies heavily on compliance with the decree; that the financial security of  
 11 the state is in jeopardy if the state has difficulty or is unable to comply  
 12 with the consent decree because of the voluminous number of lawsuits that  
 13 could ensue; that the state has a responsibility to protect children and youth  
 14 from harm and ensure their healthy development; that the Child Welfare  
 15 Compliance and Oversight Committee will cease to exist on December 31, 1994;  
 16 that in order to protect the interests of the state, it is crucial that  
 17 oversight of child welfare issues continue; that oversight by a committee that  
 18 focuses specifically on problems relating to children and youth would be the  
 19 most advantageous manner of monitoring compliance with the consent decree and  
 20 related problems. Therefore, it is declared to be the intent of the General  
 21 Assembly to require the ~~Joint~~ Senate Interim Committee on Children and Youth  
 22 to monitor compliance with the consent decree, to report annually regarding  
 23 compliance, and to review all bills pertaining to the safety, health, mental  
 24 health, development, and problems of children and youth.

25 (b) The ~~Joint~~ Senate Interim Committee on Children and Youth shall make  
 26 a report at least annually regarding the state's compliance with the Arkansas  
 27 Child Welfare Reform Document and review all bills pertaining to the safety,  
 28 health, mental health, development, and problems of children and youth. The  
 29 report shall be made available to all members of the General Assembly."

30

31 SECTION 14. Arkansas Code 19-4-1716 (d) is amended to read as follows:

32 "(d) The State Hospital Board and the Department of Human Services  
 33 shall report to the ~~Joint~~ Senate and House Interim ~~Committee~~ Committees on  
 34 Public Health, Welfare, and Labor at least annually regarding the performance  
 35 evaluation of each professional services contract and each consulting services  
 36 contract. The ~~Joint~~ Senate and House Interim ~~Committee~~ Committees on Public

1 Health, Welfare, and Labor may refer contracts related to the Division of  
 2 Youth Services of the Department of Human Services to the ~~Joint~~ Senate Interim  
 3 Committee on Children and Youth."

4

5 SECTION 15. Arkansas Code 20-46-106 (a)(3) is amended to read as  
 6 follows:

7 "(a)(3) The Department of Human Services shall provide a report monthly  
 8 to the ~~Joint~~ Senate Interim Committee on Children and Youth reflecting the  
 9 number of youth receiving services out of state, including plans for their  
 10 return to Arkansas. The monthly reports shall also include the determinations  
 11 made prior to each out-of-state placement pursuant to subsection (b) of this  
 12 section."

13

14 SECTION 16. Arkansas Code 20-47-505 is amended to read as follows:

15 "§ 20-47-505. CASSP Coordinating Council.

16 (a) There is hereby created a CASSP Coordinating Council which shall  
 17 meet on a quarterly basis and at other times deemed necessary to perform its  
 18 functions. The council shall include the following persons to be selected and  
 19 appointed by the directors of the Department of Education, Department of  
 20 Health, and Department of Human Services:

21 (1) At least three (3) parents of a child with emotional disturbance;  
 22 (2) A member of an ethnic minority;  
 23 (3) A child advocate;  
 24 (4) A representative from the certified community mental health center;  
 25 (5) Representatives from each of the following divisions in the  
 26 Department of Human Services, appointed by the director:

27 (A) Alcohol and Drug Abuse Prevention;

28 (B) Children and Family Services;

29 (C) Developmental Disabilities Services;

30 (D) Economic and Medical Services;

31 (E) Mental Health Services;

32 (F) Program Operations;

33 (G) Rehabilitation Services;

34 (6) A representative from the Department of Education;

35 (7) A representative from a local school district;

36 (8) A representative from the juvenile justice system;



1 (9) A representative from a local or regional rehabilitation services  
2 office;

3 (10) A representative from the Department of Health (appointed by the  
4 director);

5 (11) A representative from a local or regional health department;

6 (12) A representative from a local or regional provider of  
7 developmental disabilities services;

8 (13) A representative of a local substance abuse treatment program for  
9 adolescents;

10 ~~(14) A member of the House of Representatives who serves on the Joint~~  
11 ~~Committee on Children and Youth;~~

12 ~~(15)~~ (14) A member of the Senate who serves on the Joint Senate Interim  
13 Committee on Children and Youth; and

14 ~~(16)~~ (15) A representative from a local or regional community action  
15 agency.

16 (b) The CASSP Coordinating Council shall:

17 (1) Advise and report to the directors of the Department of Education,  
18 Department of Health, and Department of Human Services on matters of policy  
19 and programs related to children with emotional disturbance and their  
20 families;

21 (2) Identify and recommend fiscal, policy, training, and program  
22 initiatives and revisions based on needs identified in the planning process;

23 (3) Provide specific guidelines for the development of regional  
24 services and plans based on the guiding principles of the system of care;

25 (4) Review and approve regional plans developed by regional CASSP teams  
26 and incorporate the regional plans into the statewide plan;

27 (5) Assure that mechanisms for accountability are developed and  
28 incorporated into the regional plans;

29 (6) Submit a statewide plan and budget recommendations to the directors  
30 of the Department of Education, Department of Health, and Department of Human  
31 Services on or before March 15 of each even-numbered year thereafter preceding  
32 the legislative session;

33 (7) Develop and recommend special projects to the directors; and

34 (8) Provide a written report on a quarterly basis to the Joint Senate  
35 Interim Committee on Children and Youth that summarizes progress implementing  
36 this subchapter."

1

2 SECTION 17. Arkansas Code 20-78-206 (e), pertaining to review of  
3 regulations promulgated by the Child Care Facility Review Board, is amended to  
4 read as follows:

5 "(e) All rules and regulations promulgated pursuant to this section  
6 shall be reviewed by the ~~Joint~~ Senate Interim Committee on Children and Youth  
7 or an appropriate subcommittee thereof."

8

9 SECTION 18. Section 3 of Uncodified Act 1288 of 1993, as amended by  
10 Section 1 of Uncodified Act 596 of 1995, is amended to read as follows:

11 "(3)(a) The Arkansas Pygmalion Commission on Nontraditional Education  
12 shall be composed of ~~eighteen (18)~~ seventeen (17) members to be appointed in  
13 the manner and to represent various interests as follows:

14 (1) One (1) member representing classroom teachers to be  
15 recommended by the Arkansas Education Association and appointed by the  
16 Governor;

17 (2) One (1) member representing school district superintendents  
18 to be recommended by the Arkansas Association of Education Administrators and  
19 appointed by the Governor;

20 (3) One (1) member representing local school boards to be  
21 recommended by the Arkansas School Boards Association and appointed by the  
22 Governor;

23 (4) Two (2) members representing school principals with  
24 alternative education experience to be recommended by the Arkansas Association  
25 of Education Administrators and appointed by the Governor;

26 (5) One (1) member representing the Department of Health and  
27 appointed by the Governor;

28 (6) One (1) member representing the Department of Human Services  
29 and appointed by the Governor;

30 (7) One (1) member representing the General Education Division  
31 of the Department of Education and appointed by the Governor;

32 (8) One (1) member representing the Vocational and Technical  
33 Education Division of the Department of Education and appointed by the  
34 Governor;

35 (9) One (1) member representing the Department of Higher  
36 Education and appointed by the Governor;

1                   ~~(10) One (1) member of the House of Representatives and the~~  
 2 ~~Joint Interim Committee on Education or the Joint Committee on Children and~~  
 3 ~~Youth to be appointed by the Speaker of the House;~~

4                   ~~(11)~~ (10) One (1) member of the ~~Senate and the Joint Senate~~  
 5 ~~Interim Committee on Education or the Joint Senate Interim Committee on~~  
 6 ~~Children and Youth to be appointed by the President Pro Tempore of the Senate;~~

7                   ~~(12)~~ (11) One (1) member representing the judicial system to be  
 8 appointed by the Governor;

9                   ~~(13)~~ (12) One (1) member representing students with learning  
 10 disabilities or Attention Deficit Disorder to be appointed by the Governor;

11                   ~~(14)~~ (13) Two (2) members representing physicians and  
 12 psychologists who specialize in treating children and adolescents to be  
 13 recommended by the Chief of Staff of Arkansas Children's Hospital and  
 14 appointed by the Governor;

15                   ~~(15)~~ (14) One (1) member representing parents to be recommended  
 16 by the Arkansas Congress of Parents and Teachers Association and appointed by  
 17 the Governor; and

18                   ~~(16)~~ (15) One (1) member at-large to be appointed by the  
 19 Governor.

20           (b) The commission shall expire on June 30, 1999, unless the commission  
 21 is continued by further act of the Arkansas General Assembly."

22

23           SECTION 19. Section 4(c) of Uncodified Act 1288 of 1993 as amended by  
 24 Section 2 of Uncodified Act 596 of 1995 is amended to read as follows:

25           "(c) By July 1, 1996, and each year thereafter until the commission  
 26 expires, the commission shall submit a report containing recommendations for  
 27 alternative and nontraditional methods for meeting the educational needs of  
 28 all Arkansas children and for funding these recommendations, to the Governor,  
 29 the ~~Joint Senate and House~~ Senate and House Interim Committees on Education ~~and~~ and, the Senate  
 30 Interim Committee on Children and Youth, and the Department of Education."

31

32           SECTION 20. Section 2(c) of Uncodified Act 1309 of 1995 is amended to  
 33 read as follows:

34           "(c) The Department of Computer Services shall provide monthly progress  
 35 reports of this study to the Arkansas Communications Study Committees and  
 36 ~~Joint Senate Interim Committee on Children and Youth.~~"

1

2 SECTION 21. All provisions of this act of a general and permanent  
3 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
4 Code Revision Commission shall incorporate the same in the Code.

5

6 SECTION 22. If any provision of this act or the application thereof to  
7 any person or circumstance is held invalid, such invalidity shall not affect  
8 other provisions or applications of the act which can be given effect without  
9 the invalid provision or application, and to this end the provisions of this  
10 act are declared to be severable.

11

12 SECTION 23. All laws and parts of laws in conflict with this act are  
13 hereby repealed.

14

15 SECTION 24. EMERGENCY. It is hereby found and determined by the General  
16 Assembly that the duties of the Joint Interim Committee on Children and Youth  
17 shall be transferred to the Senate Interim Committee on Children and Youth;  
18 that such transfer should begin upon the adjournment of this Regular Session;  
19 and that unless this emergency clause is adopted the transfer will not occur  
20 until ninety days past the Regular Session. Therefore, an emergency is  
21 declared to exist and this act being immediately necessary for the  
22 preservation of the public peace, health and safety shall become effective on  
23 the date of its approval by the Governor. If the bill is neither approved nor  
24 vetoed by the Governor, it shall become effective on the expiration of the  
25 period of time during which the Governor may veto the bill. If the bill is  
26 vetoed by the Governor and the veto is overridden, it shall become effective  
27 on the date the last house overrides the veto.

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