

State of Arkansas

82nd General Assembly

Regular Session, 1999

A Bill

HOUSE BILL 1555

By: Representatives J. Lewellen, Jones, T. Smith, Bevis, C. Johnson, Napper, T. Steele, Madison

By: Senators Ross, D. Malone

For An Act To Be Entitled

"AN ACT TO CREATE AN ARKANSAS YOUTH MEDIATION PROGRAM
AT THE SCHOOLS OF LAW OF THE UNIVERSITY OF ARKANSAS AT
LITTLE ROCK AND THE UNIVERSITY OF ARKANSAS AT
FAYETTEVILLE TO PREVENT CONFLICTS ARISING FROM
CONFRONTATION AND VIOLENCE AMONG YOUTHS IN ARKANSAS;
AND FOR OTHER PURPOSES. "

Subtitle

"TO CREATE AN ARKANSAS YOUTH MEDIATION
PROGRAM TO PREVENT CONFLICTS ARISING
FROM CONFRONTATION AND VIOLENCE. "

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

SECTION 1. Title.

This act shall be known and may be cited as the "Arkansas Youth
Mediation Program Act of 1999".

SECTION 2. Legislative purpose.

The Arkansas General Assembly recognizes:

(1) That the youth of Arkansas are its most important natural resource
and they are increasingly at-risk due to conflict in their homes, schools, and
communities;

(2) That mediation programs can help the youth of Arkansas and people in
their homes, schools, and communities to resolve conflicts cooperatively,
productively, and non-violently and where possible, prevent harmful conflicts

1 from rising to confrontation and violence; and

2 (3) Therefore, this act is intended to benefit children, families,
3 professionals, and courts throughout the State of Arkansas by establishing the
4 Arkansas Youth Mediation Program to be housed at the Schools of Law of the
5 University of Arkansas at Little Rock and the University of Arkansas at
6 Fayetteville to provide mediation services and training for children in
7 schools, youth who have committed certain delinquent acts, children and
8 families in need of services (FINS), and children and families where there are
9 allegations or findings of child abuse or neglect.

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11 SECTION 3. Definitions.

12 (1) "Mediation" means a process in which a neutral person or persons
13 help disputants try to resolve a dispute in whole or in part by reaching an
14 agreement without the mediator or mediators imposing the agreement.

15 (2) "Program" means the Arkansas Youth Mediation Program at the Schools
16 of Law of the University of Arkansas at Little Rock and the University of
17 Arkansas at Fayetteville.

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19 SECTION 4. Powers and responsibilities of the Program.

20 (a) There is created a program which shall be called the Arkansas Youth
21 Mediation Program. In the event funds are appropriated for this purpose, it
22 shall be housed at and operated by the University of Arkansas at Little Rock
23 School of Law and the University of Arkansas at Fayetteville School of Law.

24 (b) The programs shall have the authority and responsibility to:

25 (1) Operate pilot projects offering mediation services for
26 disputes in schools involving youth, juvenile delinquency cases, FINS cases,
27 and dependency-neglect cases;

28 (2) Provide training and technical assistance for elementary and
29 secondary schools to:

30 (A) operate mediation programs in these schools for disputes
31 involving children; and

32 (B) incorporate conflict resolution education into the
33 curriculum;

34 (3) Provide training and technical assistance for juvenile courts
35 to mediate juvenile delinquency and FINS cases as the courts deem appropriate;

36 (4) Provide training and technical assistance for juvenile courts

1 to mediate dependency-neglect cases as the courts deem appropriate;

2 (5) Offer law school courses and continuing education programs
3 for lawyers and other professionals throughout Arkansas;

4 (6) Hire personnel and expend funds as necessary and appropriate
5 to carry out the program's goals;

6 (7) Apply for and accept gifts or grants from any public or
7 private source for use in maintaining and improving the operation of the
8 program; and

9 (8) Take other appropriate actions to carry out the program's
10 goals.

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12 SECTION 5. Program goals.

13 The program's goals are to:

14 (1) Reduce economic, psychological, and social costs to individuals and
15 public and private institutions arising from disputes involving youth;

16 (2) Reduce court dockets and delays;

17 (3) Increase the ability of youth to resolve conflicts cooperatively,
18 productively, and non-violently;

19 (4) Reduce anti-social behavior by children, parents, and other
20 relatives;

21 (5) Increase the ability of elementary and secondary schools to
22 concentrate their efforts on education by decreasing distractions due to
23 conflicts in school;

24 (6) Encourage youth offenders to understand the consequences of their
25 actions and take responsibility for those actions by providing suitable
26 restitution to victims of their offense and/or other rehabilitative
27 dispositions;

28 (7) Provide victims of juvenile crime an opportunity to constructively
29 confront offenders to explain the impact of the offense and develop suitable
30 restitution plans and/or other rehabilitative dispositions;

31 (8) Expedite the safe and permanent placement of children removed from
32 their homes due to allegations or findings of being dependent-neglected by
33 improving the operation of the Department of Human Services in developing and
34 implementing appropriate case plans in cooperation with affected family
35 members and other interested individuals and agencies;

36 (9) Train lawyers and law students in techniques for satisfying

1 client's interests through negotiation and mediation and reducing unnecessary
2 adversarial behavior and expense in litigation throughout Arkansas;

3 (10) Assist public and private institutions in Arkansas to incorporate
4 mediation programs into their institutions by providing training and technical
5 assistance.

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7 SECTION 6. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 7. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 8. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 SECTION 9. EMERGENCY CLAUSE. It is hereby found and determined by the
21 Eighty-second General Assembly that in other states mediation programs have
22 been successful in helping youth and people in their homes, schools, and
23 communities to resolve conflicts cooperatively, productively, and non-
24 violently, that a program of youth mediation training is intended to benefit
25 children, families, professionals, and courts throughout the State of Arkansas
26 by preventing harmful conflicts from rising to confrontation and violence, and
27 that the most effective time to create and implement new programs in state
28 government is at the beginning of a new state fiscal year. Therefore, an
29 emergency is declared to exist and this act being immediately necessary for
30 the preservation of the public peace, health and safety shall become effective
31 on July 1, 1999.