

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 2207

4  
5 By: Representative Roebuck  
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7

## For An Act To Be Entitled

8 AN ACT TO AMEND DISPOSITIONS IN JUVENILE CASES;  
9 AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND DISPOSITIONS IN JUVENILE CASES.  
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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18 SECTION 1. Arkansas Code § 9-27-331, regarding the disposition of  
19 juvenile delinquency cases, is amended to add an additional subsection to  
20 read as follows:

21 (k)(1)(A) Except in the case of emergency crisis intervention, before  
22 ordering a juvenile into a residential or inpatient facility, the court  
23 shall:

24 (i) Refer the juvenile for assessment by the  
25 Department of Human Services or the department's designee to identify mental  
26 health services, if any, that are in the best interest of the juvenile; and

27 (ii) Determine the parent's, guardian's, or  
28 custodian's, other than the State of Arkansas, ability to pay child support,  
29 some or all of which shall be payable for any court-ordered services.

30 (B)(i) If the court determines that emergency crisis  
31 intervention is necessary to prevent imminent serious harm to the juvenile,  
32 the court may order a juvenile into a residential or inpatient facility  
33 pending receipt and prompt consideration of the assessment required by this  
34 subdivision (k).

35 (ii) Each completed assessment shall be admitted  
36 into evidence and shall be rebuttably presumed to establish the mental health



1 services that are in the juvenile's best interest.

2 (2) If a court orders a juvenile into an in-state residential or  
 3 inpatient facility for care and treatment, including psychiatric treatment,  
 4 the Department of Education, public school districts, or open-enrollment  
 5 charter schools shall not be liable to pay or be responsible for education or  
 6 other costs, nor shall they be subject to any order to pay for educational or  
 7 other costs unless:

8 (A) Payment is required by the Individuals with  
 9 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
 10 February 1, 2005; or

11 (B)(i) The Department of Education authorizes public  
 12 payment for educational costs based on a determination that the educational  
 13 program and facilities are appropriate for the juvenile and the Department Of  
 14 Education has approved the facility's educational program.

15 (ii) Each authorization must precede the placement  
 16 and is void if the placement is not made within five (5) business days of the  
 17 date of authorization.

18 (3) If a court orders a juvenile into an out-of-state  
 19 residential or inpatient facility for care and treatment, including  
 20 psychiatric treatment, the Department of Education, the public school  
 21 districts, or the open-enrollment charter schools shall not be liable to pay  
 22 or be responsible for education or other costs, nor shall they be subject to  
 23 any order to pay for educational or other costs unless:

24 (A) Payment is required by the Individuals with  
 25 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
 26 February 1, 2005; and

27 (B) The Department of Education authorizes public payment  
 28 for educational costs based on a determination that the educational program  
 29 and facilities are appropriate for the juvenile and the Department Of  
 30 Education has approved the facility's educational program. Each  
 31 authorization must precede the placement, and is void if the placement is not  
 32 made within five (5) business days of the date of authorization.

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 34 SECTION 2. Arkansas Code § 9-27-333, regarding the disposition of  
 35 families in need of services cases, is amended to add an additional  
 36 subsection to read as follows:

1           (h)(1)(A) Except in the case of emergency crisis intervention, before  
2 ordering a juvenile into a residential or inpatient facility the court shall:

3                   (i) Refer the juvenile for assessment by the  
4 Department of Human Services or the department's designee to identify mental  
5 health services, if any, that are in the best interest of the juvenile; and

6                   (ii) Determine the parent's, guardian's, or  
7 custodian's, other than the State of Arkansas, ability to pay child support,  
8 some or all of which shall be payable for any court-ordered services.

9                   (B)(i) If the court determines that emergency crisis  
10 intervention is necessary to prevent imminent serious harm to the juvenile,  
11 the court may order a juvenile into a residential or inpatient facility  
12 pending receipt and prompt consideration of the assessment required under  
13 this subsection.

14                   (ii) Each completed assessment shall be admitted  
15 into evidence, and shall be rebuttably presumed to establish the mental  
16 health services that are in the juvenile's best interest.

17           (2) If a court orders a juvenile into an in-state residential or  
18 inpatient facility for care and treatment, including psychiatric treatment,  
19 the Department of Education, public school districts, or open-enrollment  
20 charter schools shall not be liable to pay or be responsible for education or  
21 other costs, nor shall they be subject to any order to pay for educational or  
22 other costs unless:

23                   (A) Payment is required by the Individuals with  
24 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
25 February 1, 2005; or

26                   (B)(i) The Department of Education authorizes public  
27 payment for educational costs based on a determination that the educational  
28 program and facilities are appropriate for the juvenile and the Department of  
29 Education has approved the facility's educational program.

30                   (ii) Each authorization must precede the placement,  
31 and is void if the placement is not made within five (5) business days of the  
32 date of authorization.

33           (3) If a court orders a juvenile into an out-of-state  
34 residential or inpatient facility for care and treatment, including  
35 psychiatric treatment, the Department of Education, public school districts,  
36 or open-enrollment charter schools shall not be liable to pay or be

1 responsible for education or other costs, nor shall they be subject to any  
 2 order to pay for educational or other costs unless:

3 (A) Payment is required by the Individuals with  
 4 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
 5 February 1, 2005; and

6 (B) The Department of Education authorizes public payment  
 7 for educational costs based on a determination that the educational program  
 8 and facilities are appropriate for the juvenile and the Department of  
 9 Education has approved the facility's educational program. Each  
 10 authorization must precede the placement, and is void if the placement is not  
 11 made within five (5) business days of the date of authorization.

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 13 SECTION 3. Arkansas Code § 9-27-335, regarding the disposition of  
 14 dependent neglect cases, is amended to add an additional subsection to read  
 15 as follows:

16 (g)(1)(A) Except in the case of emergency crisis intervention, before  
 17 ordering a juvenile into a residential or inpatient facility the court shall:

18 (i) Refer the juvenile for assessment by the  
 19 Department of Human Services or the department's designee to identify mental  
 20 health services, if any, that are in the best interest of the juvenile; and

21 (ii) Determine the parent's, guardian's, or  
 22 custodian's, other than the State of Arkansas, ability to pay child support,  
 23 some or all of which shall be payable for any court-ordered services.

24 (B)(i) If the court determines that emergency crisis  
 25 intervention is necessary to prevent imminent serious harm to the juvenile,  
 26 the court may order a juvenile into a residential or inpatient facility  
 27 pending receipt and prompt consideration of the assessment required by this  
 28 subsection.

29 (ii) Each completed assessment shall be admitted  
 30 into evidence and shall be rebuttably presumed to establish the mental health  
 31 services that are in the juvenile's best interest.

32 (2) If a court orders a juvenile into an in-state residential or  
 33 inpatient facility for care and treatment, including psychiatric treatment,  
 34 the Department of Education, public school districts, or open-enrollment  
 35 charter schools shall not be liable to pay or be responsible for education or  
 36 other costs, nor shall they be subject to any order to pay for educational or

1 other costs unless:

2 (A) Payment is required by the Individuals with  
3 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
4 February 1, 2005; or

5 (B)(i) The Department of Education authorizes public  
6 payment for educational costs based on a determination that the educational  
7 program and facilities are appropriate for the juvenile and the Department of  
8 Education has approved the facility’s educational program.

9 (ii) Each authorization must precede the placement  
10 and is void if the placement is not made within five (5) business days of the  
11 date of authorization.

12 (3) If a court orders a juvenile into an out-of-state  
13 residential or inpatient facility for care and treatment, including  
14 psychiatric treatment, the Department of Education, public school districts,  
15 or open-enrollment charter schools shall not be liable to pay or be  
16 responsible for education or other costs, nor shall they be subject to any  
17 order to pay for educational or other costs unless:

18 (A) Payment is required by the Individuals with  
19 Disabilities Education Act, 20 U.S.C. § 1400 et seq., as in effect on  
20 February 1, 2005; and

21 (B) The Department of Education authorizes public payment  
22 for educational costs based on a determination that the educational program  
23 and facilities are appropriate for the juvenile and the Department of  
24 Education has approved the facility’s educational program. Each  
25 authorization must precede the placement, and is void if the placement is not  
26 made within five (5) business days of the date of authorization.

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