

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
4

As Engrossed: H3/22/05 H3/28/05

A Bill

HOUSE BILL 2452

5 By: Representative Roebuck
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For An Act To Be Entitled

9 AN ACT TO ENSURE THE CONTINUITY OF MENTAL HEALTH
10 SERVICES FOR JUVENILES IN THEIR COMMUNITIES; TO
11 ADDRESS THE OUT-OF-STATE PLACEMENT OF CHILDREN
12 FOR MENTAL HEALTH SERVICES AND TREATMENT; TO
13 CLARIFY THE REQUIREMENTS FOR AN ASSESSMENT OR
14 SCREENING; AND FOR OTHER PURPOSES.

Subtitle

16 TO ENSURE THE CONTINUITY OF MENTAL
17 HEALTH SERVICES FOR JUVENILES IN THEIR
18 COMMUNITIES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. It is the intent of the General Assembly of the State of
26 Arkansas that:

27 (1) Juveniles receive mental health services in their
28 communities whenever possible and in the least restrictive placement
29 consistent with the juvenile's treatment needs;

30 (2) Juveniles are placed out-of-state for mental health services
31 only when it is in the juvenile's best interest and there is no appropriate
32 or available treatment in-state to meet the needs of the juvenile;

33 (3) Circuit courts are provided with qualified mental health
34 screenings to assist courts in ordering appropriate mental health services
35 for juveniles; and

36 (4) Juvenile officers, mental health providers, residential



1 providers, the Department of Human Services, Child and Adolescent Service
2 System Program providers, attorneys, courts, and advocates shall work
3 together to ensure the continuity of mental health services for juveniles in
4 their communities.

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6 SECTION 2. (a) Prior to the court ordering a juvenile to an out-of-
7 state residential placement, excluding border state placements as defined by
8 Medicaid, the court shall refer a juvenile for an assessment by the
9 Department of Human Services or the department's designee to include, but not
10 be limited to:

11 (1) An assessment of the mental health services for the juvenile
12 and the juvenile's family;

13 (2) The services that could be provided to enable the juvenile
14 to remain safely in his or her home and the availability of such services;

15 (3) If the assessment recommends that the juvenile cannot remain
16 at home, all appropriate in-state placements currently available that are
17 appropriate to meet the juvenile's mental health needs shall be presented to
18 the court:

19 (A) With a preference for the juvenile to remain as close
20 to his or her home and community as possible so that his or her family can
21 participate in the family treatment plan;

22 (B) That provides for the least restrictive placement
23 ensuring the health and safety of the juvenile;

24 (C) That provides an anticipated length of time needed for
25 residential or in-patient treatment; and

26 (D) That provides a plan for reintegration of the juvenile
27 into his or her community, including coordination with local providers when
28 the juvenile is released from treatment; and

29 (4) If the assessment recommends that the juvenile cannot be
30 served in State of Arkansas, the assessment shall specify the reasons why the
31 child cannot be served in the state and recommend what type of placement the
32 child needs out-of-state and the reasons for such a recommendation.

33 (b) The Department of Human Services or its designee shall complete
34 the out-of-state mental health assessment within five (5) business days of
35 referral from the court.

36 (c) The assessment completed by the Department of Human Services or

1 its designee shall be admitted into evidence and the court shall consider the
2 assessment in making its determination as to what services and placement
3 should be ordered based on the best interest of the juvenile.

4 (d)(1) The court shall make a determination of the ability of the
5 parent, guardian or custodian to pay in whole or in part for mental health
6 services.

7 (2) If the court determines an ability to pay, the court shall
8 enter such an order for payment pursuant to Arkansas Code § 9-27-333(e).

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10 SECTION 3. (a) When a mental health screening or assessment is
11 provided to the juvenile division of a circuit court, the screening or
12 assessment shall include, but not be limited to, the following:

13 (1) An assessment of the mental health services needed for the
14 juvenile and the juvenile's family; and

15 (2) The services that could be provided to enable the juvenile
16 to remain safely in his or her home and the availability of such services.

17 (b) If the screening or assessment recommends that the juvenile cannot
18 remain safely in his or her home, then the screening or assessment shall
19 state the recommended type of residential treatment or in-patient treatment
20 that is needed for the juvenile which:

21 (1) Meets the treatment needs of the juvenile;

22 (2) Allows the juvenile to remain as close to his or her home
23 and community as possible so that his or her family can participate in the
24 treatment plan;

25 (3) Provides for the least restrictive placement ensuring the
26 health and safety of the juvenile;

27 (4) Provides an anticipated length of time needed for
28 residential or in-patient treatment; and

29 (5) Provides a plan for the reintegration of the juvenile into
30 his or her community, including coordination with local providers when the
31 juvenile is released from residential or in-patient treatment.

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33 /s/ Roebuck
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