

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

SENATE BILL 54

4
5 By: Senator J. Hutchinson
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For An Act To Be Entitled

8 AN ACT CONCERNING PARENT AND CHILD REPRESENTATION IN
9 JUVENILE COURT PROCEEDINGS; AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING PARENT AND CHILD
12 REPRESENTATION IN JUVENILE COURT
13 PROCEEDINGS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 9-27-401 is amended to read as follows:

21 9-27-401. Creation – ~~Representation~~ Dependency-neglect representation
22 for ~~children and~~ parents.

23 (a) There is ~~hereby~~ created a Division of Dependency-Neglect Parent
24 Representation within the ~~Administrative Office of the Courts~~ University of
25 Arkansas at Little Rock William H. Bowen School of Law Clinical Programs that
26 will shall be staffed by a ~~court-appointed special advocate coordinator and~~
27 an attorney coordinator.

28 (b)(1) The ~~Director of the Administrative Office of the Court is~~
29 ~~authorized to~~ University of Arkansas at Little Rock William H. Bowen School
30 of Law Clinical Programs may employ or enter into professional service
31 contracts with private individuals or businesses or public agencies to
32 represent ~~all children~~ parents in dependency-neglect proceedings.

33 (2)(A) ~~Before employing or entering into a contract or~~
34 ~~contracts, the office shall consult with the judge or judges of the circuit~~
35 ~~court designated to hear dependency neglect cases in their district plan~~
36 ~~under Supreme Court Administrative Order Number 14, originally issued April~~

1 ~~6, 2001, in each judicial district in accordance with the provisions of § 19-~~
2 ~~11-1001 et seq.~~

3 ~~(B) Those obtaining employment or contracts through the~~
4 ~~office as described in subdivision (b)(3) of this section will be designated~~
5 ~~as the providers for representation of children in dependency neglect cases~~
6 ~~in each judicial district. The University of Arkansas at Little Rock William~~
7 ~~H. Bowen School of Law Clinical Programs shall establish guidelines to~~
8 ~~provide a maximum amount of expenses and fees per hour and per case that~~
9 ~~shall be paid under this section.~~

10 ~~(3)(A) The office shall advertise employment and contract~~
11 ~~opportunities.~~

12 ~~(B) The distribution of funds among the judicial~~
13 ~~districts shall be based on a formula developed by the office and approved by~~
14 ~~the Juvenile Judges Committee of the Arkansas Judicial Council. A person who~~
15 ~~is employed by or contracts with the University of Arkansas at Little Rock~~
16 ~~William H. Bowen School of Law Clinical Programs shall be designated as a~~
17 ~~provider for the representation of parents in dependency-neglect cases in the~~
18 ~~judicial district in which the provider is assigned.~~

19 ~~(4) The Supreme Court shall adopt standards of practice and~~
20 ~~qualifications for service for all attorneys who seek employment or contracts~~
21 ~~to provide legal representation to children in dependency neglect cases. The~~
22 ~~University of Arkansas at Little Rock William H. Bowen School of Law Clinical~~
23 ~~Programs shall advertise employment and contract opportunities.~~

24 ~~(5)(A)(i) In the transition to a state funded system of~~
25 ~~dependency neglect representation, it is the intent of the General Assembly~~
26 ~~to provide an appropriate and adequate level of representation to all~~
27 ~~children in dependency neglect proceedings as required under federal and~~
28 ~~state law pursuant to § 9-27-316.~~

29 ~~(ii)(a) It is recognized by the General Assembly~~
30 ~~that in many areas of the state, resources have not been available to support~~
31 ~~the requirement of representation for children at the necessary level.~~

32 ~~(b) It is also recognized, however, that in~~
33 ~~other areas a system has been developed that is appropriately and~~
34 ~~successfully serving children and the courts.~~

35 ~~(iii) With the transition to state funding, it is~~
36 ~~not the intent of the General Assembly to adversely affect these systems that~~

1 ~~are working well or to put into place a system that is too inflexible to~~
 2 ~~respond to local needs or restrictions.~~

3 ~~(B) In its administration of the system, therefore, the~~
 4 ~~office is charged with the authority and responsibility to establish and~~
 5 ~~maintain a system that:~~

6 ~~(i) Equitably serves all areas of the state;~~

7 ~~(ii) Provides quality representation;~~

8 ~~(iii) Makes prudent use of state resources; and~~

9 ~~(iv) Works with those systems now in place to~~

10 ~~provide an appropriate level of representation of children and courts in~~
 11 ~~dependency-neglect cases. Funding currently appropriated to the~~

12 Administrative Office of the Courts for the representation of parents and

13 children in dependency-neglect cases shall be redistributed to the University

14 of Arkansas at Little Rock William H. Bowen School of Law Clinical Programs

15 for the sole purpose of providing representation of parents in dependency-

16 neglect cases and to the Arkansas Child Abuse/Rape/Domestic Violence

17 Commission for the representation of juveniles in dependency-neglect cases.

18 (c) ~~The director is authorized to:~~

19 ~~(1) Establish a statewide court-appointed special advocate~~
 20 ~~program;~~

21 ~~(2) Provide grants or contracts to local court-appointed special~~
 22 ~~advocate programs; and~~

23 ~~(3) Work with judicial districts to establish local programs by~~

24 ~~which circuit courts may appoint trained volunteers to provide valuable~~

25 ~~information to the courts concerning the best interests of children in~~

26 ~~dependency-neglect proceedings. The University of Arkansas at Little Rock~~

27 William H. Bowen School of Law Clinical Programs shall establish and maintain

28 a division of dependency-neglect parent representation that:

29 (1) Equitably serves all areas of the state;

30 (2) Provides quality representation;

31 (3) Makes prudent use of state resources; and

32 (4) Works to provide an appropriate level of

33 representation of parents in dependency-neglect cases.

34 (d)(1) ~~The director~~ University of Arkansas at Little Rock William H.

35 Bowen School of Law Clinical Programs is authorized to establish a program to

36 represent indigent parents or legal custodians in dependency-neglect cases.

1 (2) The court shall appoint counsel in compliance with federal
2 law, § 9-27-316(h), and Supreme Court Administrative Order Number 15.

3 (3)(A) Funding for contracts shall be administered from the
4 state, or funds shall be provided to the judicial district for the county to
5 administer the contracts.

6 (B) All contracts shall be paid from funds appropriated
7 for the purpose of this section.

8 (4) When a court orders payment of funds for parent counsel on
9 behalf of an indigent parent or custodian from a state contract, the court
10 shall make written findings in the appointment order in compliance with § 9-
11 27-316(h).

12 (5) The court may also require the parties to pay all or a
13 portion of the expenses, depending on the ability of the parties to pay.

14 ~~(6) The office shall establish guidelines to provide a maximum~~
15 ~~amount of expenses and fees per hour and per case that will be paid under~~
16 ~~this section.~~

17 ~~(7)(6)~~ In order to ensure that each judicial district will have
18 an appropriate amount of funds to utilize for indigent parent or custodian
19 representation in dependency-neglect cases, the funds appropriated shall be
20 apportioned based upon a formula developed by the office University of
21 Arkansas at Little Rock William H. Bowen School of Law Clinical Programs and
22 approved by the ~~committee~~ Juvenile Judges Committee of the Arkansas Judicial
23 Council.

24 ~~(8)(7)~~ The office University of Arkansas at Little Rock William
25 H. Bowen School of Law Clinical Programs shall not be liable directly to any
26 attorney or indirectly to the Arkansas State Claims Commission for the
27 payment of attorney's fees or expenses except to the extent specific funding
28 is appropriated and available for the purpose of providing indigent parent
29 counsel in dependency-neglect cases.

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31 SECTION 2. Arkansas Code Title 9, Chapter 27, Subchapter 4, is amended
32 to add additional sections to read as follows:

33 9-27-403. Creation – Ad litem representation for juveniles in
34 dependency-neglect proceedings.

35 (a) There is created the Division of Ad litem Representation within
36 the Arkansas Child Abuse/Rape/Domestic Violence Commission that shall be

1 staffed by an attorney coordinator.

2 (b)(1) The Arkansas Child Abuse/Rape/Domestic Violence Commission may
3 employ or enter into professional service contracts with private individuals
4 or businesses or public agencies to represent juveniles in dependency-neglect
5 proceedings.

6 (2) The Arkansas Child Abuse/Rape/Domestic Violence Commission
7 shall establish guidelines to provide a maximum amount of expenses and fees
8 per hour per case that shall be paid under this section.

9 (3) A person who is employed by or contracts with the Arkansas
10 Child Abuse/Rape/Domestic Violence Commission shall be designated as a
11 provider for the ad litem representation of juveniles in dependency-neglect
12 cases in the judicial district in which they are assigned.

13 (4) The Arkansas Child Abuse/Rape/Domestic Violence Commission
14 shall advertise employment and contract opportunities.

15 (5) Funding currently appropriated to the Administrative Office
16 of the Courts for the representation of parents and children in dependency-
17 neglect cases shall be redistributed to the University of Arkansas at Little
18 Rock William H. Bowen School of Law Clinical Programs for the sole purpose of
19 providing representation of parents in dependency-neglect cases and to the
20 Arkansas Child Abuse/Rape/Domestic Violence Commission for the ad litem
21 representation of juveniles in dependency-neglect cases.

22 (c) The Arkansas Child Abuse/Rape/Domestic Violence Commission shall
23 establish and maintain a division for ad litem representation for juveniles
24 that:

25 (1) Equitably serves all areas of the state;

26 (2) Provides quality representation;

27 (3) Makes prudent use of state resources; and

28 (4) Works to provide an appropriate level of representation of
29 juveniles in dependency-neglect cases.

30 (d)(1) The Arkansas Child Abuse/Rape/Domestic Violence Commission may
31 establish a program to represent children in dependency-neglect cases.

32 (2)(A) The Arkansas Child Abuse/Rape/Domestic Violence
33 Commission shall submit the proposed standards of practice and qualification
34 for service for all attorneys who seek employment or contracts to provide
35 legal representation to children in dependency-neglect cases to the Supreme
36 Court.

1 (B) The Supreme Court shall adopt the final standards of
2 practice and qualification for service for attorneys who represent children
3 in dependency-neglect cases.

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5 9-27-404. Creation – Court-appointed special advocate division.

6 (a)(1) There is created the Court-Appointed Special Advocate Division
7 of the Administrative Office of the Courts that shall be staffed by a court-
8 appointed special advocate coordinator.

9 (b)(1) The office may employ or enter into professional service
10 contracts with private individuals or businesses or public agencies to staff
11 the division.

12 (2) A person who is employed by or contracts with the office
13 shall be designated as a provider for the court-appointed special advocate
14 division.

15 (3) The office shall advertise employment and contract
16 opportunities.

17 (c) The office shall establish and maintain a division of court-
18 appointed special advocates that:

19 (1) Equitably serves all areas of the state;

20 (2) Provides quality representation;

21 (3) Makes prudent use of state resources; and

22 (4) Works to provide an appropriate level of representation of
23 juveniles in dependency-neglect cases.

24 (d) The Director of the Administrative Office of the Courts may:

25 (1) Establish a statewide court-appointed special advocate
26 program;

27 (2) Provide grants or contracts to local court-appointed special
28 advocate programs; and

29 (3) Work with judicial districts to establish local programs
30 that allow the circuit court to appoint trained volunteers to provide
31 valuable information to the courts concerning the best interest of children
32 in dependency-neglect proceedings.

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