

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

SENATE BILL 815

5 By: Senator L. Chesterfield  
6

## For An Act To Be Entitled

8 AN ACT TO REVIEW CERTAIN ACTIONS OF THE DIVISION OF  
9 YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES BY  
10 THE HOUSE COMMITTEE ON JUDICIARY AND THE SENATE  
11 COMMITTEE ON JUDICIARY; AND FOR OTHER PURPOSES.  
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## Subtitle

14 TO REVIEW CERTAIN ACTIONS OF THE DIVISION  
15 OF YOUTH SERVICES OF THE DEPARTMENT OF  
16 HUMAN SERVICES BY THE HOUSE COMMITTEE ON  
17 JUDICIARY AND THE SENATE COMMITTEE ON  
18 JUDICIARY.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 9-28-203(d), concerning the powers and  
25 duties of the Division of Youth Services, is amended to read as follows:

26 (d)(1) The division shall promulgate rules and regulations as  
27 necessary to administer this subchapter.

28 (2) The regulations shall be reviewed by the Senate ~~Interim~~  
29 Committee on ~~Children and Youth~~ Judiciary and the House Committee on  
30 Judiciary or any appropriate legislative committee during legislative  
31 sessions.  
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33 SECTION 2. Arkansas Code § 9-28-205(f), concerning Youth Services  
34 Centers, is amended to read as follows:

35 (f) The Department of Human Services and the Department of Education  
36 shall report annually, beginning on March 1, 2010, to the House Committee on



1 ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary and to  
 2 the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary on the state of  
 3 the division's system of education.

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 5 SECTION 3. Arkansas Code § 9-28-216(b), concerning the promulgation of  
 6 rules by the Division of Youth Services, is amended to read as follows:

7 (b) No regulation pertaining to the separation of juvenile offenders  
 8 promulgated ~~hereafter~~ by the division shall be effective until reviewed by  
 9 the Legislative Council, the House Committee on ~~Aging, Children and Youth,~~  
 10 ~~Legislative and Military Affairs~~ Judiciary, and the Senate ~~Interim~~ Committee  
 11 on ~~Children and Youth~~ Judiciary, or appropriate subcommittees thereof, of the  
 12 General Assembly.

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 14 SECTION 4. Arkansas Code § 9-28-301(e) - (g), concerning inspections  
 15 by the Division of Youth Services, are amended to read as follows:

16 (e)(1) The Director of the Department of Health shall present a list  
 17 of findings of the random health inspections to the House Committee on ~~Aging,~~  
 18 ~~Children and Youth, Legislative and Military Affairs~~ Judiciary and the Senate  
 19 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary within one (1) month after  
 20 completing the random health inspections.

21 (2)(A) In the event the General Assembly is in session, the  
 22 Director of the Department of Health shall provide the report to the House  
 23 Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~  
 24 Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 25 Judiciary.

26 (B) The complete report, including, but not limited to,  
 27 statistics, shall be made available to the public.

28 (f)(1) The Director of the Department of Human Services or the  
 29 division shall file the report, along with a response not to exceed two (2)  
 30 pages, to the House Committee on ~~Aging, Children and Youth, Legislative and~~  
 31 ~~Military Affairs~~ Judiciary and the Senate ~~Interim~~ Committee on ~~Children and~~  
 32 ~~Youth~~ Judiciary within thirty (30) days after receiving an inspection report  
 33 prepared by the Department of Health.

34 (2) In the event the General Assembly is in session, the  
 35 Director of the Department of Human Services shall provide the response to  
 36 the House Committee on ~~Aging, Children and Youth, Legislative and Military~~

1 ~~Affairs~~ Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 2 Judiciary.

3 (3) The response shall include a plan of correction and suggest  
 4 a means by which the Department of Human Services or the division will  
 5 correct any deficiencies within thirty (30) days of the filing of the report  
 6 or within the time frame determined by the Department of Health to ensure the  
 7 health and safety of the juveniles housed at the facility.

8 (g)(1) The Department of Human Services or the division shall develop  
 9 an internal audit and review to evaluate and monitor all facilities of the  
 10 division.

11 (2) The Department of Health will cooperate in training or  
 12 assisting the Department of Human Services or the division in developing the  
 13 process as it relates to health concerns.

14 (3) Included in its quarterly performance reports, the  
 15 Department of Human Services or the division shall report on its progress to  
 16 the House Committee on ~~Aging, Children and Youth, Legislative and Military~~  
 17 ~~Affairs~~ Judiciary and the Senate ~~Interim~~ Committee on ~~Children and Youth~~  
 18 Judiciary.

19 (4) In the event the General Assembly is in session, the  
 20 Director of the Department of Human Services shall provide the report to the  
 21 House Committee on ~~Aging, Children and Youth, Legislative and Military~~  
 22 ~~Affairs~~ Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 23 Judiciary.

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 25 SECTION 5. Arkansas Code § 9-28-302(e) - (g), concerning security  
 26 inspections, is amended to read as follows:

27 (e)(1) The Director of the Department of Correction shall present a  
 28 list of findings of the random security inspections to the House Committee on  
 29 ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary and the  
 30 Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary within one (1) month  
 31 after conducting the random security inspections.

32 (2) In the event the General Assembly is in session, the  
 33 Director of the Department of Correction shall provide the report to the  
 34 House Committee on ~~Aging, Children and Youth, Legislative and Military~~  
 35 ~~Affairs~~ Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 36 Judiciary.

1 (3) The complete report including, but not limited to,  
 2 statistics shall be made available to the public.

3 (f)(1) The Director of the Department of Human Services or the  
 4 division shall file the report, along with a response not to exceed two (2)  
 5 pages, to the House Committee on ~~Aging, Children and Youth, Legislative and~~  
 6 ~~Military Affairs~~ Judiciary and the Senate ~~Interim~~ Committee on ~~Children and~~  
 7 ~~Youth~~ Judiciary within thirty (30) days of receiving an inspection report  
 8 prepared by the Department of Correction.

9 (2) In the event the General Assembly is in session, the  
 10 Director of the Department of Human Services shall provide the response to  
 11 the House Committee on ~~Aging, Children and Youth, Legislative and Military~~  
 12 ~~Affairs~~ Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 13 Judiciary.

14 (3) The response shall include a plan of correction and suggest  
 15 a means by which the Department of Human Services or the division will  
 16 correct any deficiencies within thirty (30) days of the filing of the report  
 17 or within the time frame determined by the Department of Correction to ensure  
 18 the health and safety of the juveniles housed at the facility.

19 (g)(1) The Department of Human Services or the division shall develop  
 20 an internal audit and review to evaluate and monitor all facilities of the  
 21 division.

22 (2) The Department of Correction will cooperate in training or  
 23 assisting the Department of Human Services or the division in developing this  
 24 process as it relates to security concerns.

25 (3)(A) In its quarterly performance reports, the Department of  
 26 Human Services or the division shall report on its progress to the House  
 27 Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~  
 28 Judiciary and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary.

29 (B) In the event the General Assembly is in session, the  
 30 Director of the Department of Human Services shall provide the report to the  
 31 House Committee on ~~Aging, Children and Youth, Legislative and Military~~  
 32 ~~Affairs~~ Judiciary and the Chair of the Senate Committee on ~~Children and Youth~~  
 33 Judiciary.

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 35 SECTION 6. Arkansas Code § 9-28-405(m), concerning the duties of the  
 36 Child Welfare Agency Review Board, is amended to read as follows:

1 (m) All rules promulgated under this section and all public comment  
 2 received in writing by the department in response shall be made available for  
 3 review by the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and  
 4 the ~~Subcommittee on Children and Youth of the~~ House Committee on ~~Aging,~~  
 5 ~~Children and Youth, Legislative and Military Affairs~~ Judiciary, and by the  
 6 Governor or his or her designee from among the Governor's staff.

7  
 8 SECTION 7. Arkansas Code § 9-28-603(b)(6), concerning the independent  
 9 living programs submitted by the Division of Youth Services, is amended to  
 10 read as follows:

11 (6) Provide an annual report to the division and the Senate  
 12 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the ~~Subcommittee on~~  
 13 ~~Children and Youth of the~~ House Committee on ~~Aging, Children and Youth,~~  
 14 ~~Legislative and Military Affairs~~ Judiciary summarizing outcome data in areas  
 15 related to educational achievement, employment, and criminal justice contact  
 16 of the participants and other information as requested by the division.

17  
 18 SECTION 8. Arkansas Code § 9-32-203(b), concerning quarterly  
 19 performance reports by the Division of Youth Services, is amended to read as  
 20 follows:

21 (b) The Division of Youth Services Quarterly Performance Report, the  
 22 Division of Behavioral Health Quarterly Performance Report, and the Division  
 23 of Children and Family Services of the Department of Human Services Quarterly  
 24 Performance Report shall contain, but not be limited to:

- 25 (1) Client outcome information;
- 26 (2) Case status information;
- 27 (3) Compliance information;
- 28 (4) Management indicators; and
- 29 (5) Other data agreed to by the Senate ~~Interim~~ Committee on  
 30 ~~Children and Youth~~ Judiciary, House Committee on Judiciary, the Division of  
 31 Behavioral Health, the Division of Children and Family Services of the  
 32 Department of Human Services, and the Division of Youth Services.

33  
 34 SECTION 9. Arkansas Code § 9-32-204(b) and (c), concerning the  
 35 Arkansas Child Welfare Report Card, is amended to read as 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 Senate ~~Interim~~ Committee on

7 ~~Children and Youth~~ Judiciary and the House Committee on Judiciary.

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

13  
 14 SECTION 10. Arkansas Code § 9-32-205 is amended to read as follows:

15 9-32-205. Annual performance audits.

16 (a) The Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and  
 17 the House Committee on Judiciary shall conduct annual performance audits of  
 18 the Division of Youth Services of the Department of Human Services, the  
 19 Division of Mental Health Services of the Department of Human Services, and  
 20 the Division of Children and Family Services of the Department of Human  
 21 Services.

22 (b) To establish performance auditing standards, the Senate ~~Interim~~  
 23 Committee on ~~Children and Youth~~ Judiciary and the House Committee on  
 24 Judiciary shall use for guidance the Standards for Audit of Governmental  
 25 Organizations, Programs, Activities and Functions (revised), published by the  
 26 United States General Accounting Office.

27 (c) The performance audits shall contain, but not be limited to, a  
 28 complete assessment of the compliance of the Division of Youth Services, the  
 29 Division of Behavioral Health Services, and the Division of Children and  
 30 Family Services of the Department of Human Services with state and federal  
 31 regulations and with the terms and conditions of the court-ordered settlement  
 32 agreement.

33 (d) To conduct the performance audit, the Senate ~~Interim~~ Committee on  
 34 ~~Children and Youth~~ Judiciary and the House Committee on Judiciary may utilize  
 35 surveys, client interviews, and other research methodology that it deems  
 36 necessary.

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SECTION 11. Arkansas Code § 9-32-206 is amended to read as follows:  
9-32-206. Provision of information and assistance.

(a) The Division of Youth Services of the Department of Human Services, the Division of Behavioral Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services shall make available to the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on Judiciary a list of all reports the unit submits to the Director of the Department of Human Services.

(b) Under the direction of the director, the Division of Youth Services, the Division of Behavioral Health Services, and the Division of Children and Family Services of the Department of Human Services shall work cooperatively with and provide any necessary assistance to the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on Judiciary.

(c) Notwithstanding any agency rules or regulations to the contrary, the Division of Youth Services, the Division of Behavioral Health Services, and the Division of Children and Family Services of the Department of Human Services shall furnish information to members of the General Assembly, legislative staff, or legislative committees immediately upon request.

SECTION 12. Arkansas Code Title 10, Chapter 3, Subchapter 2, is amended to add an additional section to read as follows:

§ 10-3-221. Monitoring of provider services to the Division of Youth Services.

Prior to final review by the Legislative Council, the Senate Committee on Judiciary and the House Committee on Judiciary shall review any contracts or rules submitted to the Legislative Council by the Division of Youth Services.

SECTION 13. Arkansas Code § 16-87-216(c)(13), concerning the Juvenile Ombudsman Division, is amended to read as follows:

(13)(A) To prepare annual reports on the overall functioning of the division's ability to provide for the safety, health, education, and rehabilitation of juveniles committed to the Division of Youth Services.

(B) The report shall be submitted to:

(i) The Director of the Department of Human Services and the Director of the Division of Youth Services;

(ii) The House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary;

(iii) The Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary;

(iv) The judges of the juvenile divisions of circuit court; and

(v) The Governor;

SECTION 14. Arkansas Code § 25-10-136 is amended to read as follows:  
25-10-136. Private service contract notice required.

(a) The Department of Human Services shall notify the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary prior to privatizing any functions or responsibilities of the Division of Youth Services of the Department of Human Services.

(b) The report shall be in writing and shall be submitted to the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary at least sixty (60) days prior to entering into a contract with a private business entity.

(c) In the event the General Assembly is in session, the Director of the Department of Human Services shall provide the report to the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary and the chair of the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary.

SECTION 15. Arkansas Code § 25-10-137(b), concerning Division of Youth Services private service contracts, is amended to read as follows:

(b) The department shall report to the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary or appropriate subcommittees thereof at least annually regarding the performance evaluation of each contract.



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SECTION 16. Arkansas Code § 25-10-138(b), concerning Division of Youth Services regulations, is amended to read as follows:

(b) No regulation pertaining to education requirements for youth service workers or security officers promulgated hereafter by the Division of Youth Services shall be effective until reviewed by the Legislative Council, the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary, and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary or appropriate subcommittees thereof of the General Assembly.

SECTION 17. Arkansas Code § 25-10-139(b), concerning regulations promulgated by the Division of Youth Services, is amended to read as follows:

(b) No regulation pertaining to the training required of youth service workers and security officers promulgated hereafter by the division shall be effective until reviewed by the Legislative Council, the House Committee on ~~Aging, Children and Youth, Legislative and Military Affairs~~ Judiciary, and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary or appropriate subcommittees thereof of the General Assembly.