

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

As Engrossed: S3/23/15
A Bill

SENATE BILL 815

5 By: Senator L. Chesterfield
6

7 **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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14 **Subtitle**

15 TO REVIEW CERTAIN ACTIONS OF THE DIVISION
16 OF YOUTH SERVICES OF THE DEPARTMENT OF
17 HUMAN SERVICES BY THE HOUSE COMMITTEE ON
18 JUDICIARY AND THE SENATE COMMITTEE ON
19 JUDICIARY.
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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.
32

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.

4
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.

13
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.

24
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.

34
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 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:

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

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

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

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

9 (v) The Governor;

10
11 SECTION 14. Arkansas Code § 25-10-136 is amended to read as follows:
12 25-10-136. Private service contract notice required.

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

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

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

28
29 SECTION 15. Arkansas Code § 25-10-137(b), concerning Division of Youth
30 Services private service contracts, is amended to read as follows:

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

36

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

3 (b) No regulation pertaining to education requirements for youth
4 service workers or security officers promulgated hereafter by the Division of
5 Youth Services shall be effective until reviewed by the Legislative Council,
6 the House Committee on ~~Aging, Children and Youth, Legislative and Military~~
7 ~~Affairs~~ Judiciary, and the Senate ~~Interim~~ Committee on ~~Children and Youth~~
8 Judiciary or appropriate subcommittees thereof of the General Assembly.
9

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

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