

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

As Engrossed: S3/23/15 S3/25/15

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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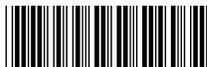
24 SECTION 1. Arkansas Code § 9-28-203(d), concerning the powers and
25 duties of the Division of Youth Services, is amended to read as follows:

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 Aging,
30 Children and Youth, Legislative and Military Affairs or any appropriate
31 legislative committee during legislative 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* and to the Senate
2 ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary on the state of the
3 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, and the Senate* ~~Interim~~ Committee on
11 ~~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 and the Senate* ~~Interim~~
19 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 and*
24 *the Chair of the Senate Committee on* ~~Children and Youth~~ Judiciary.

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

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

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

1 Judiciary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32
33 SECTION 6. Arkansas Code § 9-28-405(m), concerning the duties of the
34 Child Welfare Agency Review Board, is amended to read as follows:

35 (m) All rules promulgated under this section and all public comment
36 received in writing by the department in response shall be made available for

1 review by the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and
2 *the Subcommittee on Children and Youth of the House Committee on Aging,*
3 *Children and Youth, Legislative and Military Affairs, and by the Governor or*
4 *his or her designee from among the Governor's staff.*

5
6 SECTION 7. Arkansas Code § 9-28-603(b)(6), concerning the independent
7 living programs submitted by the Division of Youth Services, is amended to
8 read as follows:

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

15
16 SECTION 8. Arkansas Code § 9-32-203(b), concerning quarterly
17 performance reports by the Division of Youth Services, is amended to read as
18 follows:

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

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

32
33 SECTION 9. Arkansas Code § 9-32-204(b) and (c), concerning the
34 Arkansas Child Welfare Report Card, is amended to read as follows:

35 (b) The Arkansas Child Welfare Report Card shall contain, but not be
36 limited to, for each county and the state as a whole:

- 1 (1) Client outcome information;
- 2 (2) Case status information;
- 3 (3) Compliance information;
- 4 (4) Management indicators; and
- 5 (5) Other data specified by the Senate ~~Interim~~ Committee on
- 6 Children and Youth Judiciary and the House Committee on Aging, Children and
- 7 Youth, Legislative and Military Affairs.

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 Aging, Children and Youth, Legislative and
11 Military Affairs no later than December 1 of each year, and it must be
12 published in a format that can be easily understood by the 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 Aging, Children and Youth, Legislative and Military
18 Affairs shall conduct annual performance audits of the Division of Youth
19 Services of the Department of Human Services, the Division of Mental Health
20 Services of the Department of Human Services, and the Division of Children
21 and Family Services of the Department of Human Services.

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

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

34 (d) To conduct the performance audit, the Senate ~~Interim~~ Committee on
35 ~~Children and Youth~~ Judiciary and the House Committee on Aging, Children and
36 Youth, Legislative and Military Affairs may utilize surveys, client

1 interviews, and other research methodology that it deems necessary.

2
3 SECTION 11. Arkansas Code § 9-32-206 is amended to read as follows:

4 9-32-206. Provision of information and assistance.

5 (a) The Division of Youth Services of the Department of Human
6 Services, the Division of Behavioral Health Services of the Department of
7 Human Services, and the Division of Children and Family Services of the
8 Department of Human Services shall make available to the Senate ~~Interim~~
9 Committee on ~~Children and Youth~~ Judiciary and the House Committee on *Aging,*
10 *Children and Youth, Legislative and Military Affairs* a list of all reports
11 the unit submits to the Director of the Department of Human Services.

12 (b) Under the direction of the director, the Division of Youth
13 Services, the Division of Behavioral Health Services, and the Division of
14 Children and Family Services of the Department of Human Services shall work
15 cooperatively with and provide any necessary assistance to the Senate ~~Interim~~
16 Committee on ~~Children and Youth~~ Judiciary and the House Committee on *Aging,*
17 *Children and Youth, Legislative and Military Affairs*.

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

23
24 SECTION 12. Arkansas Code Title 10, Chapter 3, Subchapter 2, is
25 amended to add an additional section to read as follows:

26 § 10-3-221. Monitoring of provider services to the Division of Youth
27 *Services.*

28 Prior to final review by the Legislative Council, the Senate Committee
29 on Judiciary and the House Committee on *Aging, Children and Youth,*
30 *Legislative and Military Affairs* shall review any rules submitted to the
31 Legislative Council by the Division of Youth Services.

32
33 SECTION 13. Arkansas Code § 16-87-216(c)(13), concerning the Juvenile
34 Ombudsman Division, is amended to read as follows:

35 (13)(A) To prepare annual reports on the overall functioning of
36 the division's ability to provide for the safety, health, education, and

1 rehabilitation of juveniles committed to the Division of Youth Services.

2 (B) The report shall be submitted to:

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

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

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

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

12 (v) The Governor;

13
14 SECTION 14. Arkansas Code § 25-10-136 is amended to read as follows:

15 25-10-136. Private service contract notice required.

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

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

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

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

33 (b) The department shall report to the Senate ~~Interim~~ Committee on
34 ~~*Children and Youth*~~ *Judiciary* and the House Committee on *Aging, Children and*
35 *Youth, Legislative and Military Affairs* or appropriate subcommittees thereof
36 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, 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, and the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary* or appropriate subcommittees thereof of the General Assembly.

/s/L. Chesterfield