

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1144

5 By: Representatives Dalby, Cavanaugh
6 By: Senators G. Stubblefield, J. Dotson, B. Johnson
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS FAMILY TREATMENT
10 SPECIALTY COURT ACT; TO CREATE A SPECIALTY COURT
11 PROGRAM FOR FAMILIES INVOLVED IN A DEPENDENCY-NEGLECT
12 PROCEEDING THAT ARE AFFECTED BY SUBSTANCE USE
13 DISORDERS OR MENTAL HEALTH DISORDERS; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO CREATE A SPECIALTY COURT PROGRAM FOR
19 FAMILIES INVOLVED IN A DEPENDENCY-NEGLECT
20 PROCEEDING THAT ARE AFFECTED BY SUBSTANCE
21 USE DISORDERS OR MENTAL HEALTH DISORDERS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 9, Chapter 27, is amended to add an
27 additional subchapter to read as follows:

28 9-27-801. Title.

29 This subchapter shall be known and may be cited as the "Arkansas Family
30 Treatment Specialty Court Act".
31

32 9-27-802. Purpose and intent.

33 (a) There is a critical need for judicial intervention and support for
34 effective treatment programs that reduce the incidence of family separation
35 due to substance use disorders and mental health disorders.

36 (b) Family treatment specialty courts shall:



1 (1) Use a multidisciplinary, collaborative approach to serve
 2 families affected by substance use disorders and mental health disorders who
 3 are involved with the child welfare system;

4 (2) Ensure that:

5 (A) A participant is fully supported in his or her
 6 parenting roles and

7 (B) A child receives the necessary services and support to
 8 remain with his or her parent, guardian, or custodian during the treatment
 9 and recovery process;

10 (3) Provide:

11 (A) A comprehensive array of clinical treatment and
 12 related support services that meet the needs of each member of the family
 13 rather than only the individual receiving care for a substance use disorder
 14 or mental health disorder; and

15 (B) Services that address recovery, trauma, social,
 16 emotional, and development challenges;

17 (4) Apply therapeutic responses to:

18 (A) Improve parent, child, and family functioning;

19 (B) Ensure children’s safety, permanency, and well-being;

20 (C) Support participant behavior change; and

21 (D) Promote participant accountability; and

22 (5) Include the following components:

23 (A) Use of a non-adversarial, family-centered approach to
 24 improve family recovery, safety, and stability;

25 (B) Protection of a participant’s right to due process;

26 (C) Reduction in the amount of time a child spends in an
 27 out-of-home placement;

28 (D) Achievement of permanency more quickly; and

29 (E) Reunification of families.

30
 31 9-27-803. Family treatment specialty court – Program authorized –
 32 Evaluation – Restriction on services and treatment.

33 (a) A family treatment specialty court is a specialized court within
 34 the existing structure of the court system.

35 (b) A circuit court may establish a family treatment specialty court
 36 program for families involved in a dependency-neglect proceeding in the

1 juvenile division of circuit court subject to approval by the Supreme Court
2 in the administrative plan submitted under Supreme Court Administrative Order
3 No. 14.

4 (c) The goals of the family treatment specialty court program shall be
5 consistent with the Family Treatment Court Best Practice Standards as adopted
6 by the Center for Children and Family Futures and the National Association of
7 Drug Court Professionals, as they existed on January 1, 2023.

8 (d) A family treatment specialty court program authorized under this
9 chapter is subject to evaluation by the Specialty Court Program Advisory
10 Committee under § 16-10-139.

11 (e)(1) Services ordered by a family treatment specialty court program
12 shall be supplemental to the:

13 (A) Cash assistance and family services authorized under §
14 9-27-303; and

15 (B) Other dispositions authorized under § 9-27-334.

16 (2) A family treatment specialty court must comply with § 9-27-
17 335 before ordering services.

18 (3) Notwithstanding subdivision (e)(2) of this section, a family
19 treatment specialty court may still order services if:

20 (A) The provider waives payment;

21 (B) The family treatment specialty court program
22 participant has private insurance that will pay for the services;

23 (C) An administrative and programmatic appropriation has
24 been made for the services; or

25 (D) Administrative and programmatic funding is available
26 for the services.

27
28 9-27-804. Administration.

29 (a) A family treatment specialty court program may require a separate
30 judicial processing system differing in practice and design from the
31 traditional adversarial trial system.

32 (b) Each family treatment specialty court shall develop a policy and
33 procedure manual for the family treatment specialty court program with the
34 assistance of the Administrative Office of the Courts.

35 (c) The family treatment specialty court program shall offer judicial
36 monitoring with strict supervision and intensive treatment of participants

1 with substance use disorders or mental health disorders, as determined by a
 2 validated clinical assessment tool.

3 (d)(1) A family treatment specialty court program team shall be
 4 designated by the circuit court judge assigned to manage the family treatment
 5 specialty court program docket.

6 (2) Family treatment specialty court program team members shall
 7 include:

8 (A) A circuit judge;

9 (B) A program coordinator, if appointed by the circuit
 10 judge;

11 (C) A child welfare agency attorney;

12 (D) An attorney acting as parent counsel for a parent,
 13 guardian, or custodian participant;

14 (E) An attorney ad litem;

15 (F) A court-appointed special advocate, if appointed by
 16 the circuit judge;

17 (G) A family service worker;

18 (H) One (1) or more treatment providers with experience in
 19 the fields of substance use disorders or mental health disorders, or both;
 20 and

21 (I) Any other individuals determined necessary by the
 22 family treatment specialty court program judge.

23 (e) If the family treatment specialty court utilizes a case management
 24 system that allows for the collection and processing of data, the family
 25 treatment specialty court shall collect and provide monthly data on program
 26 applicants and program participants as required by the Specialty Court
 27 Program Advisory Committee in accordance with the rules promulgated under §
 28 10-3-2901.

29
 30 9-27-805. Eligibility and participation.

31 (a) Participation in a family treatment specialty court is voluntary.

32 (b) A person is eligible for participation in a family treatment
 33 specialty court program if:

34 (1) The person is a parent, guardian, custodian, or other
 35 caretaker of a juvenile found by the court to be dependent or dependent-
 36 neglected;

1 (2) The person is eighteen (18) years of age or older; and

2 (3) The person agrees to comply with the policies and procedures
 3 developed by the family treatment specialty court program.

4 (c) If a child has more than one (1) parent, guardian, or custodian
 5 and at least one (1) but not all parents, guardians, or custodians objects to
 6 participation in a family treatment specialty court, participation in the
 7 family treatment specialty court is conditioned upon providing notice and the
 8 opportunity to attend all family treatment specialty court staffings and
 9 hearings involving the objecting party to:

10 (1) The objecting party; or

11 (2) The attorney for an objecting party.

12 (d) Unless otherwise agreed upon by the parents, guardians, or
 13 custodians, a family treatment specialty court staffing or hearing shall not
 14 include discussions, requests, or orders related to the following matters:

15 (1) Modification of:

16 (A) A custody schedule;

17 (B) A visitation schedule;

18 (C) A case plan;

19 (D) A service plan; or

20 (E) The case goal;

21 (2) Requests:

22 (A) For a restraining order; or

23 (B) To change attorneys;

24 (3) Other matters that require notice to all parties or that
 25 otherwise would be brought before the juvenile court in a non-specialty court
 26 setting.

27
 28 9-27-806. Costs and fees.

29 (a) A judge presiding over a family treatment specialty court program
 30 that has been approved by the Supreme Court may order a parent, guardian,
 31 custodian, or caretaker to pay for the following supplemental services:

32 (1) Treatment costs;

33 (2) Drug testing costs;

34 (3) Continuous alcohol monitoring fees; or

35 (4) Other supplemental services, if ordered after notice and
 36 hearing.

1 (b)(1) In all cases in which supplemental services are ordered, the
2 court shall determine the ability of the parent, guardian, custodian, or
3 caretaker to pay, in whole or in part, for these services.

4 (2) The determination of ability to pay and the evidence
5 supporting the determination shall be included in a written order.

6 (c)(1) A judge presiding over a family treatment specialty court may
7 establish and order a family treatment specialty court program user fee.

8 (2) The family treatment specialty court program user fee
9 assessed by the judge shall be paid to the court clerk for remittance to the
10 county treasury under § 14-14-1313.

11 (d) Funds collected under subsection (c) of this section shall be
12 credited to a fund known as the "Family Treatment Specialty Court Program
13 Fund".

14 (e) Approval of the judge presiding over the family treatment
15 specialty court program is required for all expenditures from the Family
16 Treatment Specialty Court Program Fund.

17 (f) Expenditures from the Family Treatment Specialty Court Program
18 Fund shall be used solely for the support, benefit, and administration of the
19 family treatment specialty court program.

20 (g) Expenditures may be made for indirect expenses related to the
21 family treatment specialty court program, including:

22 (1) Training and travel expenses;

23 (2) Family treatment specialty court program user incentives;

24 (3) Graduation costs; and

25 (4) Supplies.

26 (h) The quorum court shall appropriate all fees and pay for all
27 approved expenditures of the family treatment specialty court program.

28 (i) A grant awarded to a family treatment specialty court program, as
29 well as all memorials, honorariums, and other monetary gifts to the family
30 treatment specialty court program, shall be deposited into the Family
31 Treatment Specialty Court Program Fund.

32 (j) A fee or cost under this section may be waived in whole or in
33 part.

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