

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

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

SENATE BILL 815

By: Senator L. Chesterfield

For An Act To Be Entitled

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

Subtitle

TO REVIEW CERTAIN ACTIONS OF THE DIVISION OF YOUTH SERVICES OF THE DEPARTMENT OF HUMAN SERVICES BY THE HOUSE COMMITTEE ON JUDICIARY AND THE SENATE COMMITTEE ON JUDICIARY.

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

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

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

(2) The regulations shall be reviewed by the Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on Aging, Children and Youth, Legislative and Military Affairs or any appropriate legislative committee during legislative sessions.

SECTION 2. Arkansas Code § 9-28-205(f), concerning Youth Services Centers, is amended to read as follows:

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



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

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

(b) No regulation pertaining to the separation of juvenile offenders 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.

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

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

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

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

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

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

Judiciary.

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

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

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

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

(4) 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 and the Chair of the Senate Committee on ~~Children and Youth~~ Judiciary.*

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

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

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

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

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

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

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

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

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

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

(B) 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 and the Chair of the Senate Committee on ~~Children and Youth~~ Judiciary.

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

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

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

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

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

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

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

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

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

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

- (1) Client outcome information;
- (2) Case status information;
- (3) Compliance information;
- (4) Management indicators; and
- (5) Other data specified by the Senate ~~Interim~~ Committee on

Children and Youth Judiciary and the House Committee on Aging, Children and Youth, Legislative and Military Affairs.

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

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

9-32-205. Annual performance audits.

(a) The Senate ~~Interim~~ Committee on ~~Children and Youth~~ Judiciary and the House Committee on Aging, Children and Youth, Legislative and Military Affairs shall conduct annual performance audits of the Division of Youth Services of the Department of Human Services, the Division of Mental Health Services of the Department of Human Services, and the Division of Children and Family Services of the Department of Human Services.

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

(c) The performance audits shall contain, but not be limited to, a complete assessment of the compliance of 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 with state and federal regulations and with the terms and conditions of the court-ordered settlement agreement.

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

interviews, and other research methodology that it deems necessary.

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 *Aging, Children and Youth, Legislative and Military Affairs* 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 *Aging, Children and Youth, Legislative and Military Affairs*.

(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 *Aging, Children and Youth, Legislative and Military Affairs* 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:

(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~~ Aging, Children and Youth, Legislative and Military Affairs;

(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* 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* 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 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* or appropriate subcommittees thereof at least annually regarding the performance evaluation of each contract.

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