

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H1/31/23
A Bill

HOUSE BILL 1144

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

For An Act To Be Entitled

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

Subtitle

TO CREATE A SPECIALTY COURT PROGRAM FOR
FAMILIES INVOLVED IN A DEPENDENCY-NEGLECT
PROCEEDING THAT ARE AFFECTED BY SUBSTANCE
USE DISORDERS OR MENTAL HEALTH DISORDERS.

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

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

9-27-801. Title.

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

9-27-802. Purpose and intent.

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

(b) Family treatment specialty courts shall:



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

(2) Ensure that:

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

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

(3) Provide:

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

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

(4) Apply therapeutic responses to:

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

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

(C) Support participant behavior change; and

(D) Promote participant accountability; and

(5) Include the following components:

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

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

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

(D) Achievement of permanency more quickly; and

(E) Reunification of families.

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

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

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

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

(c) The goals of the family treatment specialty court program should be consistent with the Family Treatment Court Best Practice Standards as adopted by the Center for Children and Family Futures and the National Association of Drug Court Professionals, as they existed on January 1, 2023, with the exception that all team members shall have input on the procedures, policies, and goals of each family treatment court matter depending on the resources available.

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

(e)(1) Services ordered by a family treatment specialty court program shall be supplemental to the services provided by the Department of Human Services, including without limitation:

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

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

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

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

(A) The provider waives payment;

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

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

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

(4) The department shall not be ordered to arrange or pay for supplemental services without the consent of the department.

9-27-804. Administration.

(a) A family treatment specialty court shall serve as an available means of disposition within a dependency-neglect matter and shall differ from

the traditional adversarial trial system.

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

(c) The family treatment specialty court program shall offer judicial monitoring with strict supervision and intensive treatment of participants with substance use disorders or mental health disorders, as determined by a validated clinical assessment tool.

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

(2) Family treatment specialty court program team members may include:

(A) A circuit judge;

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

(C) A child welfare agency attorney;

(D) An attorney from the Commission for Parent Counsel, if the juvenile has been removed from the home;

(E) Any other attorney acting as counsel for a parent, guardian, or custodian participant;

(F) An attorney ad litem;

(G) A court-appointed special advocate, if appointed by the circuit judge, even if the juvenile remains in the home;

(H) A family service worker;

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

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

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

9-27-805. Eligibility and participation.

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

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

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

(2) The person agrees to comply with the policies and procedures developed by the family treatment specialty court program, as well as the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

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

(1) The objecting party; or

(2) The attorney for an objecting party.

9-27-806. Family Treatment Specialty Court Program Fund.

(a) Each approved family treatment specialty court shall establish a fund known as the "Family Treatment Specialty Court Program Fund".

(b) Approval of the judge presiding over the family treatment specialty court program is required for all expenditures from the fund.

(c) Expenditures from the fund shall be used solely for the support, benefit, and administration of the family treatment specialty court program.

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

(1) Training and travel expenses;

(2) Family treatment specialty court program user incentives;

(3) Graduation costs; and

(4) Supplies.

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

(f) A grant awarded to a family treatment specialty court program, as well as all memorials, honorariums, and other monetary gifts to the family

treatment specialty court program, shall be deposited into the fund.

SECTION 2. Arkansas Code § 9-27-334(a), concerning dispositions a circuit court may enter an order for when a juvenile is found to be dependent-neglected under the Arkansas Juvenile Code of 1989, is amended to add an additional subdivision to read as follows:

(5) Order that the parent, both parents, or the guardian or custodian of the juvenile participate in a family treatment specialty court program under § 9-27-801 et seq., if available.

/s/Dalby