

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1754

By: Representative G. Hodges

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING CERTAIN FEES, EXPENSES, AND COSTS IMPOSED ON A JUVENILE OR THE PARENT, GUARDIAN, OR CUSTODIAN OF A JUVENILE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING CERTAIN FEES, EXPENSES, AND COSTS IMPOSED ON A JUVENILE OR THE PARENT, GUARDIAN, OR CUSTODIAN OF A JUVENILE.

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

SECTION 1. Arkansas Code § 6-18-222(a)(5)(A), concerning the penalty for unexcused absences and the revocation of driving privileges, is amended to read as follows:

(5)(A) When a student exceeds the number of unexcused absences provided for in the district's or the Career Education and Workforce Development Board's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars (\$500) ~~plus costs of court and any reasonable fees~~



~~assessed by the court.~~

SECTION 2. DO NOT CODIFY. Arkansas Code Title 9, Chapter 27, is renamed "Proceedings Involving Juveniles".

SECTION 3. Arkansas Code § 9-27-303(33), concerning the definition of "juvenile" as applicable to the Arkansas Juvenile Code of 1989, is amended to read as follows:

(33) "Juvenile" means an individual who is:

(A) From birth to eighteen (18) years of age, whether married or single; ~~or~~

(B) Adjudicated delinquent, a juvenile member of a family in need of services, or dependent or dependent-neglected by the juvenile division of circuit court ~~prior to~~ before reaching eighteen (18) years of age and for whom the juvenile division of circuit court retains jurisdiction; or

(C) Both of the following:

(i) Under eighteen (18) years of age; and

(ii) Under the jurisdiction of the criminal division of circuit court or under the jurisdiction of the juvenile division of circuit court under this subchapter;

SECTION 4. Arkansas Code § 9-27-316(b), concerning the right to counsel under the Arkansas Juvenile Code of 1989, is amended to read as follows:

~~(b)(1)(A)(i) The inquiry concerning the ability of the juvenile to retain counsel shall include a consideration of the juvenile's financial resources and the financial resources of his or her family. There is a rebuttable presumption that juveniles are indigent for the purposes of appointing counsel.~~

(ii) If the court appoints counsel to represent the juvenile, the appointment shall be made at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

(B) ~~However, the~~ The failure of the juvenile's family to retain counsel for the juvenile shall not deprive the juvenile of the right to ~~appointed~~ court-appointed counsel if required under this section.

~~(2) After review by the court of an affidavit of financial means~~

~~completed and verified by the parent of the juvenile and a determination by the court that the parent or juvenile has the ability to pay, the The court may shall not order financially able juveniles, parents, guardians, or eustodians a juvenile or the parent, guardian, or custodian of a juvenile to pay all or part of ~~reasonable~~ attorney's fees and expenses for representation of a the juvenile.~~

~~(3) All moneys collected by the circuit clerk under this subsection shall be retained by the clerk and deposited into a special fund to be known as the "juvenile representation fund" The court shall not order a juvenile or the parent, guardian, or custodian of a juvenile to pay a fee related to the cost of providing the juvenile with counsel.~~

~~(4) The court may direct that money from this fund be used in providing counsel for juveniles under this section in delinquency or family-in-need-of-services cases and indigent parents or guardians in dependency-neglect cases as provided by subsection (h) of this section.~~

~~(5) Any money remaining in the fund at the end of the fiscal year shall not revert to any other fund but shall carry over into the next fiscal year in the juvenile representation fund.~~

SECTION 5. Arkansas Code § 9-27-323 is amended to read as follows:

9-27-323. Diversion – Conditions – Agreement – Completion – Definition.

(a) If the prosecuting attorney, after consultation with the intake officer, determines that a diversion of a delinquency case is in the best interests of the juvenile and the community, the officer with the consent of the juvenile and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.

(b) If the intake officer determines that a diversion of a family in need of services case is in the best interest of the juvenile and the community, the officer with the consent of the petitioner, juvenile, and his or her parent, guardian, or custodian may attempt to make a satisfactory diversion of a case.

(c) In addition to the requirements of subsections (a) and (b) of this section, a diversion of a case is subject to the following conditions:

- (1) The juvenile has admitted his or her involvement in:
 - (A) A delinquent act for a delinquency diversion; or
 - (B) A family in need of services act for a family in need

of services diversion;

(2) The intake officer advises the juvenile and his or her parent, guardian, or custodian that they have the right to refuse a diversion of the case and demand the filing of a petition and a formal adjudication;

(3) Any diversion agreement is entered into voluntarily and intelligently by the juvenile with the advice of his or her attorney or by the juvenile with the consent of a parent, guardian, or custodian if the juvenile is not represented by counsel;

(4) The diversion agreement provides for the supervision of a juvenile or the referral of the juvenile to a public or private agency for services not to exceed six (6) months;

(5) All other terms of a diversion agreement do not exceed nine (9) months; and

(6) The juvenile and his or her parent, guardian, or custodian shall have the right to terminate the diversion agreement at any time and to request the filing of a petition and a formal adjudication.

(d)(1) The terms of the diversion agreement shall:

(A) Be in writing in simple, ordinary, and understandable language;

(B) State that the agreement was entered into voluntarily by the juvenile;

(C) Name the attorney or other person who advised the juvenile upon the juvenile's entering into the agreement; and

(D) Be signed by all parties to the agreement and by the prosecuting attorney if it is a delinquency case and the offense would constitute a felony if committed by an adult or a family in need of services case pursuant to § 6-18-222.

(2) A At no cost to the juvenile or the parent, guardian, or custodian of the juvenile, a copy of the diversion agreement shall be given to the juvenile, the counsel for the juvenile, the parent, guardian, or custodian of the juvenile, and the intake officer, who shall retain the copy of the diversion agreement in the case file.

(e) Diversion agreements shall be:

(1) Implemented by all juvenile courts based on validated assessment tools; and

(2) Used to provide for:

(A) Nonjudicial probation under the supervision of the intake officer or probation officer for a period during which the juvenile may be required to comply with specified conditions concerning his or her conduct and activities;

(B) Participation in a court-approved program of education, counseling, or treatment;

(C) Participation in a court-approved teen court;

(D) Participation in a juvenile drug court program;

(E) Enrollment in the Regional Educational Career Alternative School System for Adjudicated Youth; and

(F)(i) Payment of restitution to the victim.

(ii) Payments of restitution under subdivision (e)(2)(F)(i) of this section shall be paid under § 16-13-326.

(f)(1) If a diversion of a complaint has been made, a petition based upon the events out of which the original complaint arose may be filed:

(A) At no cost to the juvenile or the parent, guardian, or custodian of the juvenile; and

(B) only Only during the period for which the agreement was entered into.

(2) If a petition is filed within this period, the juvenile's compliance with all proper and reasonable terms of the agreement shall be grounds for dismissal of the petition by the court.

(g) The diversion agreement may be terminated, and the prosecuting attorney in a delinquency case or the petitioner in a family in need of services case may file a petition, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile, if at any time during the agreement period:

(1) The juvenile or his or her parent, guardian, or custodian declines to further participate in the diversion process;

(2) The juvenile fails, without reasonable excuse, to attend a scheduled conference;

(3) The juvenile appears unable or unwilling to benefit from the diversion process; or

(4) The intake officer becomes apprised of new or additional information that indicates that further efforts at diversion would not be in the best interests of the juvenile or society.

(h) Upon the satisfactory completion of the diversion period:

- (1) The juvenile shall be dismissed without further proceedings;
- (2) The intake officer shall furnish written notice of the dismissal to the juvenile and his or her parent, guardian, or custodian; and
- (3) The complaint and the diversion agreement, and all references thereto to the complaint and the diversion agreement, may be expunged by the court from the juvenile's file at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

~~(i)(1) A juvenile intake or probation officer may charge a diversion fee only after review of an affidavit of financial means and a determination of the juvenile's or the juvenile's parent's, guardian's, or custodian's ability to pay the fee juvenile or the parent, guardian, or custodian of a juvenile shall not be charged a diversion fee.~~

~~(2) The diversion fee shall not exceed twenty dollars (\$20.00) per month to the juvenile division of circuit court.~~

~~(3) The court may direct that the fees be collected by the juvenile officer, sheriff, or court clerk for the county in which the fees are charged.~~

~~(4) The officer designated by the court to collect diversion fees shall maintain receipts and account for all incoming fees and shall deposit the fees at least weekly into the county treasury of the county where the fees are collected and in which diversion services are provided.~~

~~(5) The diversion fees shall be deposited into the account with the juvenile service fees under § 16-13-326.~~

~~(j)(1) In judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile fees collected in the district.~~

~~(2) The treasurer so designated by the court shall maintain a separate account of the juvenile fees collected and expended in each county in the district.~~

~~(3) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.~~

~~(4) The funds derived from the collection of diversion fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in their district plan pursuant to Supreme Court Administrative Order No. 14, originally issued April 6, 2001, and the~~

~~quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.~~

~~(k)(1)(j)(1)~~ The Department of Human Services shall develop a statewide referral protocol for helping to coordinate the delivery of services to sexually exploited children.

(2) As used in this section, "sexually exploited child" means a person less than eighteen (18) years of age who has been subject to sexual exploitation because the person:

(A) Is a victim of trafficking of persons under § 5-18-103;

(B) Is a victim of child sex trafficking under 18 U.S.C. § 1591, as it existed on January 1, 2013; or

(C) Engages in an act of prostitution under § 5-70-102 or sexual solicitation under § 5-70-103.

(k) The diversion of a case under this section shall be implemented and administered at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 6. Arkansas Code § 9-27-330(a), concerning juveniles found to be delinquent, is amended to read as follows:

(a) If a juvenile is found to be delinquent, the circuit court may enter an order making any of the following dispositions based upon the best interest of the juvenile:

(1)(A) Transfer legal custody of the juvenile to any licensed agency responsible for the care of delinquent juveniles or to a relative or other individual.

(B)(i) Commit the juvenile to the Division of Youth Services using the validated risk assessment system for Arkansas juvenile offenders selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division and distributed and administered by the Administrative Office of the Courts.

(ii)(a) The validated risk assessment system selected by the Juvenile Judges Committee of the Arkansas Judicial Council with the division shall be:

(1) The only validated risk assessment used by courts for commitment;

- (2) Used throughout the state; and
- (3) Applied to all commitment decisions

for all juvenile offenders.

(b) The validated risk assessment may be changed to another validated risk assessment system by the Juvenile Judges Committee of the Arkansas Judicial Council with the division.

(iii)(a) In an order of commitment, the court may recommend that a juvenile be placed in a treatment program or community-based program instead of a youth services center and shall make specific findings in support of such a placement in the order.

(b) The court shall also specify in its recommendation whether it is requesting a division aftercare plan upon the juvenile's release from the division.

(c) A court may not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense unless the:

(1) Juvenile is determined to be moderate risk or high risk by the validated risk assessment; and

(2) Court makes specific findings as to the factors considered for the disposition to be in the juvenile's best interest.

(d) A court may not commit a juvenile to the division if the juvenile is adjudicated delinquent of only a misdemeanor offense and the juvenile is determined to be low risk by the validated risk assessment.

(iv) A circuit court committing a juvenile to the division under subdivision (a)(1)(B)(iii) of this section shall make written findings and consider the following factors in making its determination to commit the juvenile to the division:

(a) The previous history of the juvenile, including without limitation whether:

(1) The juvenile has been adjudicated delinquent and, if so, whether the offense was against a person or property; and

(2) Any other previous history of antisocial behavior or patterns of physical violence exist;

(b) Whether the circuit court has previously offered less restrictive programs or services to the juvenile and whether there are less restrictive programs or services available to the court that are likely to rehabilitate the juvenile before the expiration of the court's jurisdiction;

(c) Written reports and other materials relating to the juvenile's mental, physical, educational, and social history; and

(d) Any other factors deemed relevant by the circuit court.

(v) Upon receipt of an order of commitment with recommendations for placement, the division shall consider the recommendations of the committing court in placing a juvenile in a youth services facility or a community-based program.

(vi) Upon receipt of an order of commitment, the division or its contracted provider or designee shall prepare a written treatment plan that:

(a) States the treatment plan for the juvenile, including the types of programs and services that will be provided to the juvenile;

(b) States the anticipated length of the juvenile's commitment;

(c)(1) States recommendations as to the most appropriate post-commitment placement for the juvenile.

(2) If the juvenile cannot return to the custody of his or her parent, guardian, or custodian because of child maltreatment, which includes the parent's, guardian's, or custodian's refusing to take responsibility for the juvenile, the division shall immediately contact the Office of Chief Counsel of the Department of Human Services.

(3) The Office of Chief Counsel of the Department of Human Services shall petition the committing court to determine the issue of custody of the juvenile;

(d) States any post-commitment community-based services that will be offered to the juvenile and to his or her family by the division or the community-based provider;

(e)(1) Outlines an aftercare plan, if recommended, including specific terms and conditions required of the juvenile and the community-based provider.

(2) If the juvenile progresses in treatment and an aftercare plan is no longer recommended or the terms of the aftercare plan need to be amended as a result of treatment changes, any change in the terms of the aftercare plan and conditions shall be provided in writing and shall be explained to the juvenile.

(3) The terms and conditions shall be provided also to the prosecuting attorney, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian by the division or its designee before the juvenile's release from the division.

(4) All aftercare terms shall be provided to the committing court; and

(f)(1) The treatment plan shall be filed with the committing court no later than thirty (30) days from the date of the commitment order or before the juvenile's release, whichever is sooner.

(2) A copy of the written treatment plan shall be provided at no cost to the juvenile or the parent, guardian, or custodian of the juvenile and shall be explained to the juvenile.

(3) A copy shall be provided to the prosecutor, the juvenile's attorney, and to the juvenile's legal parent, guardian, or custodian and shall be filed in the court files of any circuit court where a dependency-neglect or family in need of services case concerning that juvenile is pending.

(C) This transfer of custody shall not include placement of adjudicated delinquents into the custody of the Department of Human Services for the purpose of foster care except as under the Child Maltreatment Act, § 12-18-101 et seq.;

(2) Order the juvenile or members of the juvenile's family to submit to physical, psychiatric, or psychological evaluations at no cost to the juvenile or the parent, guardian, or custodian of the juvenile;

(3) Grant permanent custody to an individual upon proof that the parent or guardian from whom the juvenile has been removed has not complied with the orders of the court and that no further services or periodic reviews are required;

(4)(A) Place the juvenile on probation under those conditions and limitations that the court may prescribe pursuant to § 9-27-339(a).

(B)(i) In addition, the court shall have the right as a term of probation to require the juvenile to attend school or make satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section.

(ii) The court shall have the right to revoke probation if the juvenile fails to regularly attend school or if satisfactory progress toward attaining a high school equivalency diploma approved by the Adult Education Section is not being made;

~~(5) Order a probation fee, not to exceed twenty dollars (\$20.00) per month, as provided in § 16-13-326(a);~~

~~(6) Assess a court cost of no more than thirty five dollars (\$35.00) to be paid by the juvenile, his or her parent, both parents, or his or her guardian;~~

~~(7)(A)(5)(A) Order restitution to be paid by the juvenile, a parent, both parents, the guardian, or his or her custodian~~ or the parent, guardian, or custodian of the juvenile.

(B) If the custodian is the State of Arkansas, both liability and the amount that may be assessed shall be determined by the Arkansas State Claims Commission;

~~(8) Order a fine of not more than five hundred dollars (\$500) to be paid by the juvenile, a parent, both parents, or the guardian;~~

~~(9)(6)(A) Order that the juvenile and his or her parent, both parents, or the guardian~~ the parent, guardian, or custodian of the juvenile perform court-approved volunteer service in the community designed to contribute to the rehabilitation of the juvenile or to the ability of the parent, ~~or guardian, or custodian of the juvenile~~ to provide proper parental care and supervision of the juvenile, not to exceed one hundred sixty (160) hours.

(B) The juvenile or the parent, guardian, or custodian of the juvenile shall not be required to:

(i) Participate in volunteer service in the community for more than one hundred sixty (160) hours; or

(ii) Pay a cost for participating in the volunteer service in the community;

~~(10)(A)(7)(A)~~ Order that the parent, ~~both parents,~~ or the guardian, or custodian of the juvenile attend a court-approved parental responsibility training program if available.

(B) The court may make reasonable orders requiring proof of completion of the court-approved parental responsibility training program within a certain time period ~~and payment of a fee covering the cost of the training program.~~

(C) The court may provide that any violation of such orders shall subject the parent, ~~both parents,~~ or the guardian, or custodian of the juvenile to the contempt sanctions of the court.

(D) The parent, guardian, or custodian of the juvenile shall not be required to pay the cost for attending the court-approved parental responsibility training program;

~~(11)(A)(i)(8)(A)(i)~~ Order that the juvenile remain in a juvenile detention facility for an indeterminate period not to exceed ninety (90) days at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

(ii) The court may further order that the juvenile be eligible for work release or to attend school or other educational or vocational training at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

(B) The juvenile detention facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents at no cost to the juvenile or the parent, guardian, or custodian of the juvenile;

~~(12)(9)(A)~~ Place the juvenile on residential detention with electronic monitoring, either in the juvenile's home or in another facility as ordered by the court, at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

~~(13)(A)(B)~~ ~~Order the parent, both parents, or the guardian of any A juvenile~~ or the parent, guardian, or custodian of a juvenile adjudicated delinquent and committed to a youth services center, detained in a juvenile detention facility, or placed on electronic monitoring ~~to be~~ shall not be liable for the cost of the commitment, detention, or electronic monitoring;

~~(B)(i) The court shall take into account the financial~~

ability of the parent, both parents, or the guardian to pay for the commitment, detention, or electronic monitoring.

~~(ii) The court shall take into account the past efforts of the parent, both parents, or the guardian to correct the delinquent juvenile's conduct.~~

~~(iii) If the parent is a noncustodial parent, the court shall take into account the opportunity the parent has had to correct the delinquent juvenile's conduct.~~

~~(iv) The court shall take into account any other factors the court deems relevant;~~

~~(14)(10)(A)~~ When a juvenile is committed to a youth services center or detained in a juvenile detention facility and the juvenile is covered by private health insurance, order the parent, ~~or~~ guardian, or custodian of the juvenile to provide information on the juvenile's health insurance coverage, including a copy of the health insurance policy and the pharmacy card when available, to the juvenile detention ~~center~~ facility or youth services center that has physical custody of the juvenile; ~~or.~~

(B) The juvenile or the parent, guardian, or custodian of the juvenile shall not be required to pay for the cost of medical treatment received by the juvenile that is incurred while the juvenile is in the physical custody of a juvenile detention facility or youth services center.

(C) The quality of medical care, including without limitation specialty care, provided to the juvenile while the juvenile is in the physical custody of a juvenile detention facility or youth services center shall not be dependent on the juvenile's health insurance coverage; or

~~(15)(A)(11)(A)~~ Order the Department of Finance and Administration to suspend the driving privileges of any juvenile adjudicated delinquent.

(B) The order shall be prepared and transmitted to the Department of Finance and Administration within twenty-four (24) hours after the juvenile has been found delinquent and is sentenced to have his or her driving privileges suspended.

(C) The court may provide in the order for the issuance of a restricted driving permit to allow driving to and from a place of employment or driving to and from school or for other circumstances.

SECTION 7. Arkansas Code § 9-27-330, concerning juvenile delinquency dispositions and alternatives, is amended to add an additional subsection to read as follows:

(k)(1) The court shall not order a juvenile or the parent, guardian, or custodian of a juvenile to pay costs, fees, or other expenses associated with a program or service ordered by the court under this section.

(2) This subsection does not prohibit a court from ordering restitution under subdivision (a)(5) of this section.

SECTION 8. Arkansas Code § 9-27-331(d)(1)(A), concerning limitations on delinquency determinations, is amended to read as follows:

(d)(1)(A)(i) The court may enter an order for physical, psychiatric, or psychological evaluation or counseling or treatment affecting the family of a juvenile only after finding that the evaluation, counseling, or treatment of family members is necessary for the treatment or rehabilitation of the juvenile.

(ii) Evaluations, counseling, or treatments under subdivision (d)(1)(A)(i) of this section shall be provided at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 9. Arkansas Code § 9-27-357 is amended to read as follows:

9-27-357. Deoxyribonucleic acid samples.

~~(a)~~ A ~~person~~ juvenile who is adjudicated delinquent for one (1) or more of the following offenses shall have a deoxyribonucleic acid sample drawn at no cost to the juvenile or the parent, guardian, or custodian of the juvenile:

- (1) Rape, § 5-14-103;
- (2) Sexual assault in the first degree, § 5-14-124;
- (3) Sexual assault in the second degree, § 5-14-125;
- (4) Incest, § 5-26-202;
- (5) Capital murder, § 5-10-101;
- (6) Murder in the first degree, § 5-10-102;
- (7) Murder in the second degree, § 5-10-103;
- (8) Kidnapping, § 5-11-102;
- (9) Aggravated robbery, § 5-12-103;
- (10) Terroristic act, § 5-13-310; and

(11) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony.

~~(b) The court shall order a fine of two hundred fifty dollars (\$250) unless the court finds that the fine would cause an undue hardship.~~

~~(e)(1)~~(b)(1) Only a juvenile adjudicated delinquent for one (1) of the offenses listed in subsection (a) of this section shall have a deoxyribonucleic acid sample drawn upon intake at a juvenile detention facility or intake at a Division of Youth Services facility.

(2) If the juvenile is not placed in a facility, the juvenile probation officer to whom the juvenile is assigned shall ensure that the deoxyribonucleic acid sample is drawn.

~~(d)~~(c) All deoxyribonucleic acid samples taken under this section shall be taken in accordance with rules promulgated by the State Crime Laboratory.

SECTION 10. Arkansas Code § 9-27-367 is amended to read as follows:
9-27-367. Court costs, fees, and fines.

(a) The juvenile division of the circuit court may order the following court costs, fees, and fines to be paid by adjudicated defendants to the circuit court juvenile division fund as provided for in § 16-13-326:

~~(1) The court may assess an adjudicated delinquent court costs not to exceed thirty-five dollars (\$35.00) as provided under § 9-27-330(a)(6);~~

~~(2)~~(1) The court may assess an adjudicated family in need of services court costs not to exceed thirty-five dollars (\$35.00) as provided under § 9-27-332(a)(8);

~~(3) The court may order a probation fee for juveniles adjudicated delinquent not to exceed twenty dollars (\$20.00) per month as provided under § 9-27-330(a)(5);~~

~~(4)~~(2) The court may order a juvenile service fee for an adjudicated family in need of services not to exceed twenty dollars (\$20.00) per month as provided under § 9-27-332(a)(9); and

~~(5) The court may order a fine for adjudicated delinquents of not more than five hundred dollars (\$500) as provided under § 9-27-330(a)(8);~~

~~(6)~~(3) The court may order a fine for an adjudicated family in need of services of not more than five hundred dollars (\$500) as provided

under § 9-27-332(a)(7), ~~and~~

~~(7) A juvenile intake or probation officer may charge a diversion fee limited to no more than twenty dollars (\$20.00) per month as provided under § 9-27-323.~~

(b)(1) The court shall direct that the juvenile division court costs and fees be collected, maintained, and accounted for in the same manner as juvenile probation and juvenile services fees as provided for in § 16-13-326.

(2) Except as provided in this section, in relation to a matter involving a juvenile, the juvenile and the parent, guardian, or custodian of the juvenile shall not be ordered to pay costs, fees, and fines or a combination of costs, fees, and fines.

SECTION 11. Arkansas Code § 9-27-602(d), concerning required assessments for juvenile mental health services, is amended to read as follows:

~~(d)(1) The court shall make a determination of the ability of the parent, guardian, or custodian of the juvenile to pay in whole or in part for mental health services~~ A juvenile or the parent, guardian, or custodian of the juvenile shall not be required to pay for mental health services ordered by the court under this section.

~~(2) If the court determines an ability to pay, the court shall enter such an order for payment pursuant to § 9-27-333(e).~~

SECTION 12. Arkansas Code § 16-10-305, concerning court costs, is amended to add an additional subsection to read as follows:

(i) The authority to assess court costs under this section does not apply to:

(1) A person who is a juvenile at the time of the commission of the delinquent act;

(2) A person who is a juvenile at the time the circuit court or district court renders a judgment;

(3) A juvenile; or

(4) The parent, guardian, or custodian of a juvenile in relation to the juvenile's delinquent act.

SECTION 13. Arkansas Code § 16-87-201, concerning definitions

applicable to the Arkansas Public Defender Commission, is amended to add an additional subdivision to read as follows:

(5) "Juvenile" means a person who is:

(A) Under eighteen (18) years of age; and

(B) Under the jurisdiction of the criminal division of circuit court or under the jurisdiction of the juvenile division of circuit court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

SECTION 14. Arkansas Code § 16-87-213(a)(1)(A), concerning certificates of indigency, is amended to read as follows:

(a)(1)(A)(i) Any Except as provided in subdivision (a)(1)(A)(ii) of this section, a person who is charged with an offense punishable by imprisonment ~~who~~ and desires to be represented by an appointed attorney shall file with the court in which the person is charged a written certificate of indigency.

(ii) There is a rebuttable presumption that a juvenile is indigent for the purposes of appointing an attorney. A juvenile shall not be required to complete a certificate of indigency. If the court appoints an attorney to represent the juvenile, the appointment shall be made at no cost to the juvenile or the parent, guardian, or custodian of the juvenile.

SECTION 15. Arkansas Code § 16-87-218(c)(6), concerning schedules of costs for legal services, is amended to read as follows:

(6) Any juvenile matter with the exception of a delinquency matter:

(A) For an early disposition, sixty-five dollars (\$65.00);

(B) For a negotiated plea or disposition before trial, one hundred twenty-five dollars (\$125); or

(C) For a trial or an extended matter, five hundred dollars (\$500); or

SECTION 16. Arkansas Code § 16-87-218, concerning schedules of costs for legal services, is amended to add an additional subsection to read as follows:

(e) A court shall not enter a judgment in favor of the State of

Arkansas for legal services rendered by the public defender or for costs listed in subsection (c) of this section:

- (1) In a juvenile matter;
- (2) Against a defendant who was a juvenile at the time the offense was committed;
- (3) Against a juvenile; or
- (4) Against the parent, guardian, or custodian of a juvenile in a juvenile matter.

SECTION 17. DO NOT CODIFY. Costs – Collection and revenue.

(a) As used in this section, "juvenile" means an individual under eighteen (18) years of age who is under the jurisdiction of a criminal division of circuit court or under a juvenile division of circuit court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.

(b) On the effective date of this section, any judgment against a juvenile or the parent, guardian, or custodian of a juvenile entered on or before the effective date of this section for fines, fees, costs, or taxes associated with a juvenile matter is void and uncollectible to the extent that a balance remains due, including without limitation any post-judgment interest, penalties, or collection expenses associated with the fines, fees, costs, or taxes.

(c)(1) Any civil judgment, lien, or other legal encumbrance against a juvenile or the parent, guardian, or custodian of a juvenile entered on or before the effective date of this section in connection with fines, fees, costs, or taxes associated with a juvenile matter is vacated.

(2) The court administrator shall not charge any fees associated with the satisfaction of a civil judgment, lien, or other legal encumbrance vacated under subdivision (c)(1) of this section.

(d)(1) On or before January 1, 2024, the Administrative Office of the Courts, in consultation with state and municipal agencies, shall establish procedures to vacate and discharge the following for juveniles and the parents, guardians, or custodians of juveniles:

(A) All unpaid outstanding balances for fines, fees, costs, or taxes; and

(B) All unsatisfied civil judgments, liens, and legal encumbrances entered in connection with fines, fees, costs, or taxes

associated with a juvenile matter.

(2) The procedures under subdivision (d)(1) of this section shall not require a juvenile or the parent, guardian, or custodian of a juvenile to affirmatively act to initiate the procedures to vacate and discharge outstanding:

(A) Balances for fines, fees, costs, and taxes; and

(B) Unsatisfied civil judgments, liens, and legal encumbrances.

(e) Any savings in costs associated with the collection of fines, fees, costs, and taxes or civil judgments, liens, and legal encumbrances as a result of this section shall be directed to community initiatives in accordance with the reinvestment plan developed by the Division of Youth Services under § 9-28-1203.