

Title 9. Family Law

Chapter X. Department of Corrections

Subchapter A. Generally

Part 150. Extended Juvenile Jurisdiction Transfers and Confidential Juvenile Records

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"ADMINISTRATIVE RULE STATE OF ARKANSAS BOARD OF CORRECTIONS

Section Number:

ADC 806/ACC 9.1 Page Number: 1 of 2

Board Approval Date: 7/22/2022

Supersedes: n/a

Dated: 7/22/2022

Reference: A.C.A. § 9-28-217(a)

Effective Date: 8/1/2022

SUBJECT:

Extended Juvenile Jurisdiction Transfers and Confidential Juvenile Records"

"I. AUTHORITY:

The authority to promulgate this rule is vested in Act 187 of 2021, Regular Session [A.C.A. § 9-28- 217(a)]."

Subpart 1. Generally

9 CAR § 150-101. Purpose.

To establish criteria for the Department of Corrections to access confidential records for the purpose of creating risk assessments, treatment plans, classification plans, or supervision plans for each juvenile who has been sentenced pursuant to

extended juvenile jurisdiction and comes under the supervision or enters the custody of the department as an adult from the Division of Youth Services.

Authority. Arkansas Code § 9-28-217.

9 CAR § 150-102. Applicability.

Employees of the:

- (1) Division of Correction; and
- (2) Division of Community Correction.

Authority. Arkansas Code § 9-28-217.

9 CAR § 150-103. Definitions.

As used in this part:

(1) "Custody" means immediate charge and physical control of an individual committed by an order of a circuit or juvenile court of the State of Arkansas to the Department of Corrections;

(2) "Extended juvenile jurisdiction (EJJ) offender" means a juvenile designated to be subject to juvenile disposition and an adult sentence imposed by the court pursuant to Arkansas Code § 9-27-303; and

(3)(A) "Juvenile records" means reports, correspondence, memoranda, case histories, or other material that personally identifies a juvenile, including protected health information, compiled or received by:

- (i) A juvenile detention facility;
- (ii) A community-based provider for the Division of Youth Services; or
- (iii) The Division of Youth Services.

(B) Records include, but are not limited to, the following:

- (i) Psychological evaluations;
- (ii) Psychiatric evaluations;
- (iii) Education records;

(iv) Medication records;
(v) Program treatment notes;
(vi) Disciplinary records;
(vii) Prison Rape Elimination Act of 2003, 34 U.S.C. § 30301 et seq.,
related records; and
(viii) Conviction records for sexual or violent crimes committed as a
juvenile.

Authority. Arkansas Code § 9-28-217.

9 CAR § 150-104. Policy.

(a) It shall be the policy of the Board of Corrections to safeguard any juvenile records from disclosure to unauthorized individuals while developing appropriate risk assessment, treatment, classification, and supervision plans for an offender.

(b) Upon notification by the Division of Youth Services that a juvenile offender who has been sentenced pursuant to EJJ will be transferred into the custody of or come under the supervision of the Department of Corrections as an adult, the department is authorized to utilize juvenile records to establish appropriate risk level or treatment, custody, and supervision plans for the offender.

Authority. Arkansas Code § 9-28-217.

9 CAR § 150-105. Procedures.

(a) Division of Youth Services shall notify the Department of Corrections in writing of the impending transfer of any EJJ offender being transferred into the custody of or under the supervision of the department as an adult.

(b) The Chief Counsel of the Department of Corrections shall serve as the Secretary of the Department of Corrections' designated contact for notification by the Division of Youth Services.

(c) Upon receipt of written notification of impending transfer, the chief counsel will coordinate with the Division of Youth Services to facilitate a transfer of juvenile records pertaining to the offender.

(d) The chief counsel shall notify the secretary and appropriate division director of the impending transfer of an EJJ offender.

(e) The chief counsel or his or her designee shall serve as the custodian of any juvenile records received pursuant to this part and is responsible for ensuring that juvenile records are accessed only by those who require access in order to develop appropriate risk assessment, treatment, classification, or supervision plans for offenders.

Authority. Arkansas Code § 9-28-217.

9 CAR § 150-106. Implementation.

(a)(1) The Secretary of the Department of Corrections may issue directives to implement the guidance contained within this part.

(2) Directives issued pursuant to this part must be reviewed by the Board of Corrections prior to issuance.

(b) Implementation of this part may be delayed by the secretary until any necessary directives are issued and any required programming changes to the electronic Offender Management Information System have been completed.

Authority. Arkansas Code § 9-28-217.