

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

As Engrossed: H1/31/23

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.
15
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Subtitle

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 return to or remain with his or her parent, guardian, or custodian during the
9 treatment 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 should
5 be consistent with the Family Treatment Court Best Practice Standards as
6 adopted by the Center for Children and Family Futures and the National
7 Association of Drug Court Professionals, as they existed on January 1, 2023,
8 with the exception that all team members shall have input on the procedures,
9 policies, and goals of each family treatment court matter depending on the
10 resources available.

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

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

17 (A) Cash assistance and family services authorized under §
18 9-27-303; and

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

20 (2) A family treatment specialty court must comply with § 9-27-
21 335 before ordering services.

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

24 (A) The provider waives payment;

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

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

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

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

33
34 9-27-804. Administration.

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

1 the traditional adversarial trial system.

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

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

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

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

14 (A) A circuit judge;

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

17 (C) A child welfare agency attorney;

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

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

22 (F) An attorney ad litem;

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

25 (H) A family service worker;

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

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

31 (e) If the family treatment specialty court utilizes a case management
32 system that allows for the collection and processing of data, the family
33 treatment specialty court shall collect and provide monthly data on program
34 applicants and program participants as required by the Specialty Court
35 Program Advisory Committee in accordance with the rules promulgated under §
36 10-3-2901.

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2 9-27-805. Eligibility and participation.

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

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

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

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

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

18 (1) The objecting party; or

19 (2) The attorney for an objecting party.

20 9-27-806. Family Treatment Specialty Court Program Fund.

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

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

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

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

29 (1) Training and travel expenses;

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

31 (3) Graduation costs; and

32 (4) Supplies.

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

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

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

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

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

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11 /s/Dalby

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14 **APPROVED: 2/13/23**