

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 147*

Short Title: CBA Law Change/Funds.

(Public)

Sponsors: Representatives Holt; Colton, Bowman, Cummings, and Wainwright.

Referred to: Courts and Justice.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE FOUNDATION OF THE JUVENILE JUSTICE SYSTEM THROUGH AN OUTCOME-BASED ENHANCEMENT OF THE COMMUNITY-BASED ALTERNATIVES PROGRAM AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-289.13 reads as rewritten:

"§ 7A-289.13. Legislative intent.

The General Assembly hereby declares its intent to reduce the number of children committed by the courts for delinquency to institutions operated by the Division of Youth Development, Department of Human Resources or other State agencies. The primary intent of this Article is to provide a comprehensive plan for the development of community-based alternatives to training school commitment so that 'status offenders' (defined by this Article to include 'those juveniles guilty of offenses which would not be violations of the law if committed by an adult') may be eliminated from the youth development institutions of this State. Additionally it is the intent of this legislation to provide noninstitutional disposition options in any case before the juvenile court where ~~such this disposition is deemed to be considered~~ in the best interest of the child and the community.

The policy and intent of the General Assembly in delinquency prevention and community-based services can be summarized as follows:

- (1) ~~Such~~ These programs ~~should~~ shall be planned and organized at the community level within the State, and ~~such these~~ these planning efforts ~~should~~ shall include appropriate representation from local government,

1 local public and private agencies serving families and ~~children (both~~
2 ~~public and private)~~, ~~children~~, local business leaders, citizens with an
3 interest in youth problems, youth representatives, and others as may be
4 appropriate in a particular community. The role of the State ~~should~~
5 shall be to provide technical assistance, access to funding, and
6 program information, and to assist local leadership in appropriate
7 planning.

8 (1a) As a prerequisite for receiving funding for Community-Based
9 Alternatives, each county shall appoint a Community-Based
10 Alternatives Youth Services Advisory Committee and shall update and
11 revise the Committee's membership to ensure appropriate
12 representation.

13 (1b) The Community-Based Alternatives Youth Services Advisory
14 Committee required by subdivision (1a) of this section shall annually
15 review the needs of troubled juveniles within its county, develop and
16 advertise a Request for Proposal process, and submit a written Plan of
17 Action for the expenditure of Community-Based Alternatives funds to
18 the county for its approval. Upon the county's authorization, the Plan
19 shall be submitted to the Division of Youth Services for final approval
20 and subsequent implementation.

21 (1c) The Division of Youth Services shall develop and implement uniform
22 standards for each county's Community-Based Alternatives Youth
23 Services Advisory Committee's annual certification and written
24 requirements for program planning including a standard format for the
25 Request for Proposal.

26 (2) When a child is adjudicated to be within the juvenile jurisdiction of the
27 district ~~court~~ court, ~~such~~ this child should be carefully evaluated
28 through the available community-level ~~resources (including resources,~~
29 including mental health, social services, public health and other
30 available medical services, public schools, and ~~others as appropriate)~~
31 other appropriate services, prior to the juvenile hearing dealing with
32 disposition so that the disposition of the court may be made with an
33 understanding of the needs of the child and after consideration of the
34 resources available to meet these needs.

35 (3) It is contrary to the policy of the State for a court to separate a child
36 from ~~his~~ the child's own family or commit a child to an institution or
37 training school without a careful evaluation of the needs of the child.

38 (4) The General Assembly finds that State and local government ~~should~~
39 shall be responsive to the need for community-based services ~~which~~
40 that would provide a viable alternative to commitment to an institution
41 or training school. The General Assembly intends that State
42 government should be responsive to this need through the Department
43 of Human Resources by helping public and private local groups to
44 plan, ~~develop~~ develop, and fund community-based programs, both

1 residential and nonresidential. ~~It is recognized~~ The General Assembly
2 recognizes that ~~such~~ these efforts will require the cooperation of
3 several major State departments in addition to Human Resources, such
4 as the Department of Public Instruction, the Administrative Office of
5 the Courts, and the Governor's Crime ~~Commission~~. Commission of the
6 Department of Crime Control and Public Safety.

7 (5) It is the intent of the General Assembly that the Secretary of the
8 Department of Human Resources develop a funding mechanism that
9 will provide State support for programs that meet the standards as
10 developed under the provisions of this Article."

11 Sec. 2. (a) There is appropriated from the General Fund to the Department of
12 Human Resources, Division of Youth Services, the sum of six million dollars
13 (\$6,000,000) for the 1994-95 fiscal year to expand Community-Based Alternatives
14 services.

15 (b) It is the intent of the General Assembly that each county receiving these
16 funds use the funds so as to maximize the needed local services for those juveniles
17 identified by the county to be most at risk for commitment to training school. The
18 Division of Youth Services shall allocate these funds as follows:

19 (1) \$1,000,000, considered as automatic expansion funds, divided equally
20 among the 100 counties, at the rate of \$10,000 per county; and

21 (2) \$5,000,000, considered as "merit" expansion, allocated among the
22 counties based on their population of 10 to 17 year olds and on their
23 willingness to submit to the Division of Youth Services a localized,
24 strategic plan of action for enhancing interagency coordination and
25 using Community-Based Alternatives more effectively.

26 The Division of Youth Services shall require that all counties that, in 1993, committed
27 juveniles to training schools at rates that exceeded the overall State average submit to it
28 a goal-specific plan to reduce their dependency of incarceration as a dispositional
29 alternative.

30 (c) These funds shall be matched by each county as currently required by the
31 Division of Youth Services.

32 Sec. 3. This act is effective upon ratification.