

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**EXTRA SESSION 1994**

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SENATE BILL 25\*

Select Committee on Juveniles/Prevention Committee Substitute Adopted 2/23/94

Short Title: Detention/Training Schools/CBA Funds.

(Public)

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Sponsors:

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Referred to: Appropriations.

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February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS FOR DETENTION CENTER BEDS,  
2 TRAINING SCHOOL OPERATION, ALTERNATIVES TO DETENTION  
3 PROGRAM, GROUP HOMES AND RESIDENTIAL PLACEMENT FACILITIES,  
4 COMMUNITY-BASED ALTERNATIVES PROGRAM, AND EVALUATION OF  
5 JUVENILE JUSTICE SYSTEM.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. (a) There is appropriated from the General Fund to the Department of  
9 Human Resources, Division of Youth Services, the sum of four hundred eighty-seven  
10 thousand three hundred sixty dollars (\$487,360) for the 1994-95 fiscal year, to provide  
11 for renovation, construction, and operational costs for additional beds at existing State-  
12 operated or county-operated detention centers.

13 (b) There is appropriated from the General Fund to the Department of Human  
14 Resources, Division of Youth Services, the sum of three million two hundred thousand  
15 dollars (\$3,200,000) for the 1993-94 fiscal year for capital costs of expanding the  
16 number of existing detention center beds.

17 The Office of State Construction of the Department of Administration may  
18 contract for and supervise all aspects of administration, technical assistance, design,  
19 construction, or demolition of detention center beds in order to implement the providing  
20 of detention center beds under the provisions of this section.

21 The detention center beds authorized under this section shall be constructed  
22 in accordance with the provisions of general law applicable to the construction of State  
23 detention center beds. If the Secretary of Administration, after consultation with the

1 Secretary of Human Resources, finds that the delivery of detention center beds must be  
2 expedited for good cause, the Office of State Construction of the Department of  
3 Administration may use alternative delivery systems and shall be exempt from the  
4 following statutes and rules implementing those statutes, to the extent necessary to  
5 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,  
6 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1  
7 through 143-408.7.

8 Prior to exercising the exemptions allowable under this section, the Secretary  
9 of Administration shall give reasonable notice in writing of the Department's intent to  
10 exercise the exemptions to the Speaker of the House, the President Pro Tempore of the  
11 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of  
12 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and  
13 the Fiscal Research Division. The written notice shall contain at least the following  
14 information: (i) the specific statutory requirement or requirements from which the  
15 Department intends to exempt itself; (ii) the reason the exemption is necessary to  
16 expedite delivery of detention center beds; (iii) the way in which the Department  
17 anticipates the exemption will expedite the delivery of detention center beds; and (iv) a  
18 brief summary of the proposed contract for the project which is to be exempted.

19 The Office of State Construction of the Department of Administration shall  
20 have a verifiable ten percent (10%) goal for participation by minority and women-  
21 owned businesses. All contracts for the design, construction, or demolition of detention  
22 center beds shall include a penalty for failure to complete the work by a specified date.

23 The Office of State Construction of the Department of Administration shall  
24 consider alternative delivery systems that could expedite the delivery of detention center  
25 beds. Such delivery systems as design-build, using modular or conventional building  
26 systems, shall be considered. However, in order for these alternatives to be used, the  
27 Department of Human Resources shall approve the proposed design for operational  
28 programming and cost of operations and maintenance.

29 The Office of State Construction of the Department of Administration shall  
30 involve the Department of Human Resources in all aspects of the projects to the extent  
31 that this involvement relates to the Department's program needs and to its responsibility  
32 for the care of the detention center population.

33 (c) The Office of State Construction of the Department of Administration shall  
34 provide quarterly reports to the Chairs of the Appropriations Committee and the Base  
35 Budget Committee in the Senate, the Chairs of the Appropriations Committee in the  
36 House, the Joint Legislative Commission on Governmental Operations, and the Fiscal  
37 Research Division as to any changes in projects and allocations made pursuant to  
38 subsection (b) of this section. The report shall include any changes in the projects and  
39 allocations made pursuant to subsection (b) of this section, information on which  
40 contractors have been selected, what contracts have been entered into, the projected and  
41 actual occupancy dates of facilities contracted for, the number of beds to be constructed  
42 on each project, the location of each project, and the projected and actual cost of each  
43 project.

1 The Department of Insurance and the Department of Human Resources shall  
2 report quarterly to the Joint Legislative Commission on Governmental Operations on  
3 their involvement in the detention center beds construction program.

4 (d) This section is effective upon ratification.

5 Sec. 2. (a) There is appropriated from the General Fund to the Department of Human  
6 Resources, Division of Youth Services, the sum of six million seven hundred thirty-five  
7 thousand seven hundred sixty-eight dollars (\$6,735,768) for the 1994-95 fiscal year, to  
8 provide funding for the necessary staff to operate 147 additional beds in the existing  
9 training school facilities.

10 (b) This section becomes effective July 1, 1994.

11 Sec. 3. (a) There is appropriated from the General Fund to the Department of Human  
12 Resources, Division of Youth Services, the sum of two hundred forty-five thousand  
13 dollars (\$245,000) for the 1993-94 fiscal year and the sum of nine hundred eighty  
14 thousand dollars (\$980,000) for the 1994-95 fiscal year to establish the Alternatives to  
15 Detention Program in the 28 district court judicial districts that do not currently have  
16 them.

17 (b) The Department of Human Resources shall perform an evaluation of how the  
18 expanded Alternatives to Detention Program affects admission to juvenile detention  
19 facilities and shall report the results of this evaluation to the General Assembly by  
20 March 1, 1995.

21 (c) This section becomes effective April 1, 1994.

22 Sec. 4. (a) There is appropriated from the General Fund to the Department of Human  
23 Resources, Division of Social Services, the sum of one million six hundred eighty-one  
24 thousand four hundred eighty-nine dollars (\$1,681,489) for the 1994-95 fiscal year to  
25 provide 50 places for juveniles adjudicated undisciplined, or delinquent pursuant to a  
26 court order.

27 (b) The Division of Social Services and district court judges hearing juvenile  
28 cases are urged to consider placing juveniles in need of a stable and disciplined foster  
29 care environment for either the short or the long term in family group homes or  
30 residential placement facilities.

31 (c) This section becomes effective July 1, 1994.

32 Sec. 5. (a) G.S. 7A-289.13 reads as rewritten:

33 **"§ 7A-289.13. Legislative intent.**

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

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

- 3 (1) ~~Such~~ These programs ~~should~~ shall be planned and organized at the  
4 community level within the State, and ~~such~~ these planning efforts  
5 ~~should~~ shall include appropriate representation from local government,  
6 local public and private agencies serving families and children ~~(both~~  
7 ~~public and private)~~, children, local business leaders, citizens with an  
8 interest in youth problems, youth representatives, and others as may be  
9 appropriate in a particular community. The role of the State ~~should~~  
10 shall be to provide technical assistance, access to funding, and  
11 program information, and to assist local leadership in appropriate  
12 planning.
- 13 (1a) As a prerequisite for receiving funding for Community-Based  
14 Alternatives, each county shall appoint a Community-Based  
15 Alternatives Youth Services Advisory Committee and shall update and  
16 revise the Committee's membership to ensure appropriate  
17 representation.
- 18 (1b) The Community-Based Alternatives Youth Services Advisory  
19 Committee required by subdivision (1a) of this section shall annually  
20 review the needs of troubled juveniles within its county, develop and  
21 advertise a Request for Proposal process, and submit a written Plan of  
22 Action for the expenditure of Community-Based Alternatives funds to  
23 the county for its approval. Upon the county's authorization, the Plan  
24 shall be submitted to the Division of Youth Services for final approval  
25 and subsequent implementation.
- 26 (1c) The Division of Youth Services shall develop and implement uniform  
27 standards for each county's Community-Based Alternatives Youth  
28 Services Advisory Committee's annual certification and written  
29 requirements for program planning including a standard format for the  
30 Request for Proposal.
- 31 (2) When a child is adjudicated to be within the juvenile jurisdiction of the  
32 district ~~court~~ court, ~~such~~ the child should be carefully evaluated through  
33 the available community-level ~~resources (including resources, including~~  
34 mental health, social services, public health and other available  
35 medical services, public schools, and ~~others as appropriate)~~ other  
36 appropriate services, prior to the juvenile hearing dealing with  
37 disposition so that the disposition of the court may be made with an  
38 understanding of the needs of the child and after consideration of the  
39 resources available to meet these needs.
- 40 (3) It is contrary to the policy of the State for a court to separate a child  
41 from ~~his~~ the child's own family or commit a child to an institution or  
42 training school without a careful evaluation of the needs of the child.
- 43 (4) The General Assembly finds that State and local government ~~should~~  
44 shall be responsive to the need for community-based services ~~which~~

1           that would provide a viable alternative to commitment to an institution  
2           or training school. The General Assembly intends that State  
3           government should be responsive to this need through the Department  
4           of Human Resources by helping public and private local groups to  
5           plan, ~~develop~~develop, and fund community-based programs, both  
6           residential and nonresidential. ~~It is recognized~~The General Assembly  
7           recognizes that ~~such~~these efforts will require the cooperation of  
8           several major State departments in addition to Human Resources, such  
9           as the Department of Public Instruction, the Administrative Office of  
10          the Courts, and the Governor's Crime Commission.~~Commission of the~~  
11          Department of Crime Control and Public Safety.

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

16          (b) There is appropriated from the General Fund to the Department of Human  
17          Resources, Division of Youth Services, the sum of six million dollars (\$6,000,000) for  
18          the 1994-95 fiscal year to expand Community-Based Alternatives services.

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

23                  (1) \$1,000,000, considered as automatic expansion funds, divided equally  
24                  among the 100 counties, at the rate of \$10,000 per county; and

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

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

34          (d) These funds shall be matched by each county as currently required by the  
35          Division of Youth Services.

36          (e) This section is effective upon ratification.

37          Sec. 6. (a) The Department of Human Resources shall conduct a comprehensive  
38          study of the Division of Youth Services' juvenile justice system in order to ensure the  
39          efficacy, cost-effectiveness, and optimal utilization of the system and its continuum of  
40          services. The Department may contract with an independent consultant to assist it in its  
41          study. The Administrative Office of the Courts, the Department of Correction, and any  
42          other State or local agencies the Department considers have a role in the juvenile justice  
43          system shall cooperate with the Department in its study.

1 The Department shall convene an advisory panel to assist it in its study. This  
2 panel shall consist of the Administrative Officer of the Courts, as many juvenile court  
3 judges as the Department considers necessary, three Senators recommended by the  
4 President Pro Tempore of the Senate, three Representatives recommended by the  
5 Speaker of the House of Representatives, and any others the Department considers  
6 necessary.

7 Members of this advisory panel shall receive the subsistence and travel  
8 expenses set forth in Chapter 120 and Chapter 138 of the General Statutes, as  
9 appropriate.

10 (b) This study shall include:

- 11 (1) An analysis, including an assessment of safety risks to community and  
12 staff, of the current training school population;
- 13 (2) An assessment of adult and juvenile recidivism rates of recent training  
14 school residents;
- 15 (3) An analysis of the cost and success of dispositions of juvenile  
16 offenders who are placed on probation or assigned to other programs;
- 17 (4) An evaluation of the Community-Based Alternative Program;
- 18 (5) An assessment of the juvenile offender systems and programs used in  
19 other states;
- 20 (6) The development of an early warning system by which potential  
21 youthful offenders are identified at a very early age so that intervention  
22 can be made to prevent adverse outcomes;
- 23 (7) An evaluation of vocational education in the training schools;
- 24 (8) An analysis of other services and treatments offered in training  
25 schools;
- 26 (9) Alternatives to detention and to training schools;
- 27 (10) Proposals for appropriate reforms of the current dispositional system  
28 that will help juvenile offenders become productive citizens, control  
29 costs, and protect the public safety;
- 30 (11) Recommendations to enable accountability and evaluation of outcomes  
31 of juvenile programs and dispositions, including recommendations for  
32 system changes that will enable tracking of participants in juvenile  
33 offender programs into the adult criminal and other juvenile offender  
34 programs; and
- 35 (12) Recommendations concerning whether a commission should be  
36 established to periodically review and evaluate the juvenile justice  
37 system and the composition of such a commission if established.

38 (c) The study components should be measured by whether the juvenile justice  
39 system provides:

- 40 (1) Skills to develop positive self-concept, the ability to analyze and  
41 understand consequences of their choices, the ability to accept  
42 responsibility for one's own action, and to develop positive  
43 interpersonal relationships;

- 1           (2)    Opportunity for educational achievement and acquisition of usable job  
2           skills;
- 3           (3)    Skills for remaining free from substance abuse, violence and criminal  
4           activity;
- 5           (4)    Opportunity to involve family members and other significant  
6           individuals in the rehabilitative and treatment processes;
- 7           (5)    Effective support systems for juveniles and their family members that  
8           are designed to increase the prospect of achieving and maintaining  
9           long-term program goals; and
- 10          (6)    Program methodologies and staff training and development that is  
11          consistent and correlates with program goals; and
- 12          (7)    Evidence of effective and efficient client-focused collaborative and  
13          cooperative service delivery arrangements with other public and  
14          private agencies.
- 15          (d)    The Department shall complete this study by October 31, 1994, and shall  
16          report the results of this study to the 1995 General Assembly by February 1, 1995.
- 17          (e)    There is appropriated from the General Fund to the Department of  
18          Human Resources the sum of one hundred thousand dollars (\$100,000) for the 1994-95  
19          fiscal year to fund this study. In addition, notwithstanding G.S. 143-23, the Department  
20          of Human Resources, with the approval of the Office of Budget and Management, may  
21          use any funds available to the Department to fund this study.
- 22          (f)    This section is effective upon ratification.
- 23          Sec. 7. This act is effective upon ratification.