

COMMITTEE SUBSTITUTE

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Senate Bill No. 202

(By Senators Kessler(Acting President), Hall, Unger, Wells,
Stollings, Plymale, Prezioso, Wills and Klempa)

[Originating in the Committee on Finance;
reported February 28, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3 and §18-33-4, all relating to creating a commission to develop a pilot program to help at-risk youth in West Virginia; creation of commission; composition of the commission; powers and duties of the commission; outcome recommendations for pilot program; goals of the pilot program; and operation of the pilot program.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3 and §18-33-4, all to read as follows:

**ARTICLE 33. THE GOVERNOR'S COMMISSION ON IMPROVING
OUTCOMES FOR AT-RISK YOUTH.**

§18-33-1. Legislative findings and definitions.

1 (a) The Legislature finds and declares:

2 (1) That fourteen percent of pregnant women do receive
3 adequate prenatal care;

4 (2) That nearly twenty percent of pregnant women abuse
5 alcohol, prescription or illegal drugs;

6 (3) That West Virginia has the highest rate of women who
7 smoke during pregnancy;

8 (4) West Virginia has one of the nation's highest rates of
9 child abuse and neglect;

10 (5) Over one thousand children are in-state or home
11 placement;

12 (6) Nearly four hundred children are in out-of-state
13 placement;

14 (7) Over two thousand children are in Department of
15 Health and Human Resources custody;

16 (8) Over three thousand children are in the West Virginia
17 foster care system;

18 (9) Over four hundred minority youth are in Division of
19 Juvenile Services custody;

20 (10) Almost seven thousand children drop-out of school
21 each year;

22 (11) Almost seven thousand children appear before the
23 Juvenile Court each year;

24 (12) West Virginia has been cited by the United States
25 Justice Department for having the highest over-representa-
26 tion of minority youth in its juvenile justice system;

27 (A) These negative outcomes for many of West Virginia's
28 youth drains financial resources, depletes the workforce and
29 lowers the tax base; and

30 (B) The cost of housing a youth in the Division of Juvenile
31 Services in West Virginia is over \$90,000 a year;

32 (13) West Virginia has the lowest workforce participation
33 rate in the country at fifty-five percent and the workforce
34 participation rate for young adults age sixteen to
35 twenty-four has dropped significantly over the last few
36 years;

37 (14) According to the West Virginia Picture Funding
38 Report for Children and Families there are more than two
39 hundred fifty different state and federal funding streams that
40 provide over \$5.2 billion for services that benefit children,
41 directly support families or strengthen communities;

42 (A) These services lack coordination and there is no
43 comprehensive planning process that would provide ade-
44 quate and appropriate resources when they are most needed;

45 (B) There is not an effective delivery system at the local
46 community level to deliver these services.

47 (15) Many youth aging out of the juvenile justice and
48 foster-care system graduate into the adult criminal justice
49 system and therefore contributes to and exacerbates the
50 overcrowded prison population and costs the state money;
51 and

52 (16) There is a growing need to help at-risk youth, that
53 have entered the juvenile justice system, reform their
54 lifestyle through educational tutoring and mentoring, to help
55 them on a path where crime is no longer necessary in their
56 life and therefore avoid the adult criminal justice system.

57 (b) As used in this article:

58 (1) “At-risk youth” means all children between birth and
59 seventeen and young adults between the ages of eighteen and
60 twenty-one who are low income still receiving benefits from
61 the West Virginia Department of Health and Human Re-
62 sources, legally under the jurisdiction of the Department of
63 Health and Human Resources in custody of the West Virginia
64 Division of Juvenile Services or the selected counties
65 Juvenile Court/Probation Department, or the selected
66 counties school system;

67 (2) “Commission” means The Governor’s Commission on
68 Improving Outcomes for At-Risk Youth; and

69 (3) “Status offenders” means youth guilty of behavior that
70 would not be a crime if they were an adult.

§18-33-2. Creation and composition of the commission.

1 (a) Effective July 1, 2011, there is created the Governor’s
2 Commission on Improving Outcomes for At-Risk Youth.

3 (b) The commission is composed of fourteen members:
4 Governor of the State of West Virginia, or his or her
5 designee; Secretary of the Department of Health and Human
6 Resources, or his or her designee; two members from the
7 West Virginia Division of Juvenile Services, appointed by the

8 Governor, with the advice and consent of the Senate; one
9 member from the West Virginia board of education, ap-
10 pointed by the Governor, with the advice and consent of the
11 Senate; the West Virginia State School Superintendent's
12 Director of Institutional Education; one representative from
13 the Governor's Workforce Investment Division, appointed by
14 the Governor, with the advice and consent of the Senate;
15 three community representatives from the county that houses
16 the state's largest juvenile delinquency population, one of
17 which will be from the local Workforce Investment Board
18 Youth Council, appointed by the Governor, with the advice
19 and consent of the Senate; the Chief Juvenile Probation
20 Officer, from the county with the most court involved youth;
21 a member from the private mental health profession, ap-
22 pointed by the Governor, with the advice and consent of the
23 Senate; a member of local law enforcement whose county has
24 the highest number of juvenile arrests, appointed by the
25 Governor, with the advice and consent of the Senate; and the
26 county school superintendent or his or her designee whose
27 county has the highest number of students drop out of
28 school.

29 (c) The Governor shall appoint a chairperson for the
30 commission that will determine meeting agendas and preside
31 over those meetings.

32 (d) The Speaker of the House of Delegates shall appoint a
33 member of the House of Delegates and the President of the
34 Senate shall appoint a member of the Senate to serve as
35 advisors to the commission.

36 (e) Members of the commission are not entitled to compen-
37 sation for services performed as members but may be
38 reimbursed for actual and necessary expenses incurred for
39 each day engaged in the performance of their official
40 commission duties in a manner consistent with the guidelines
41 of the Travel Management Office of the Department of
42 Administration.

§18-33-3. Commission powers and duties.

1 The commission shall:

2 (1) Identify a county with the most at-risk youth, that also
3 has adequate facilities and community leadership, to run a
4 community based pilot program that brings together both
5 state and local organizations, to work collaboratively to
6 provide comprehensive, intense wrap around services to

7 at-risk youth and their families in a seamless coordinated
8 system; and

9 (2) Identify the challenges confronting the most at-risk
10 youth and their families and make specific recommendations
11 to the pilot program administrators to improve the outcomes
12 for these youths; specifically, to reduce the number of abuse
13 and neglect cases, to reduce high school drop-out rates, to
14 reduce substance abuse among youth including smoking, to
15 reduce teen pregnancies, to reduce juvenile delinquency and
16 to reduce the number of juvenile delinquents and youth
17 aging out of foster-care that eventually enter into the adult
18 criminal justice system.

§18-33-4. Organization and goals of the pilot program.

1 (a) The pilot program shall be operated by a local commu-
2 nity-based organization in partnership with the West
3 Virginia Department of Health and Human Resources, West
4 Virginia Division of Juvenile Services, West Virginia State
5 School Superintendent, county superintendent's office, local
6 juvenile probation department and with other partner
7 agencies to serve as a clearing house to coordinate compre-
8 hensive youth and family services. The pilot program shall be

9 housed within the community and will be directed by a local
10 community-based nonprofit organization.

11 (b) The pilot program shall operate out of a centrally
12 located building to coordinate service to youth and their
13 families in the selected county from birth to twenty-one
14 years of age who are referred by Department of Health and
15 Human Resources, the counties juvenile court and probation
16 department, West Virginia Division of Juvenile Services, the
17 selected counties school system, social service agencies,
18 churches, community based organizations and parents.

19 (c) The goal of the pilot program is to improve outcomes for
20 at-risk youth as measured by the following objectives:

21 (1) Coordinate services for at-risk youth and their families
22 in the county chosen for the pilot program;

23 (2) Reduce the number of youth in out-of-home placement;

24 (3) Reduce the number of youth in out-of-state placement;

25 (4) Reduce the number of status offenders referred to
26 Department of Health and Human Resources;

27 (5) Reduce the number of status offenders that progress to
28 being adjudicated delinquent;

29 (6) To reduce the number of youth that appear before the
30 courts within the selected county;

31 (7) Enroll, at least, one hundred of the most at-risk youth
32 in a program where they receive intensive tutoring and
33 mentoring;

34 (8) Increase the academic performance of youth enrolled in
35 the tutoring and mentoring program; and

36 (9) Reduce the dropout rate for youth enrolled in the
37 program.