

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 202**

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

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7 [Originating in the Committee on Health and Human Resources;
8 reported February 24, 2011.]
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12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §18-33-1, §18-33-2,
14 §18-33-3 and §18-33-4, all relating to creating a commission
15 to develop a pilot program to help at-risk youth in West
16 Virginia; creation of commission; composition of the
17 commission; powers and duties of the commission; outcome
18 recommendations for pilot program; goals of the pilot program;
19 and operation of the pilot program.

20 *Be it enacted by the Legislature of West Virginia:*

21 That the Code of West Virginia, 1931, as amended, be amended
22 by adding thereto a new article, designated §18-33-1, §18-33-2,
23 §18-33-3 and §18-33-4, all to read as follows:

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

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

2 (a) The Legislature finds and declares:

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

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

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

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

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

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

14 (7) Over two thousand children are in Department of Health and
15 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 each
21 year;

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

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

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

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

6 (13) West Virginia has the lowest workforce participation rate
7 in the country at fifty-five percent and the workforce
8 participation rate for young adults age sixteen to twenty-four has
9 dropped significantly over the last few years;

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

15 (A) These services lack coordination and there is no
16 comprehensive planning process that would provide adequate and
17 appropriate resources when they are most needed;

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

20 (15) Many youth aging out of the juvenile justice and
21 foster-care system graduate into the adult criminal justice system
22 and therefore contributes to and exacerbates the overcrowded prison
23 population and costs the state money; and

24 (16) There is a growing need to help at-risk youth, that have
25 entered the juvenile justice system, reform their lifestyle through
26 educational tutoring and mentoring, to help them on a path where

1 crime is no longer necessary in their life and therefore avoid the
2 adult criminal justice system.

3 (b) As used in this article:

4 (1) "At-risk youth" means all children between birth and
5 seventeen and young adults between the ages of eighteen and
6 twenty-one who are low income still receiving benefits from the
7 West Virginia Department of Health and Human Resources, legally
8 under the jurisdiction of the Department of Health and Human
9 Resources in custody of the West Virginia Division of Juvenile
10 Services or the selected counties Juvenile Court/Probation
11 Department, or the selected counties school system;

12 (2) "Commission" means The Governor's Commission on Improving
13 Outcomes for At-Risk Youth; and

14 (3) "Status offenders" means youth guilty of behavior that
15 would not be a crime if they were an adult.

16 **§18-33-2. Creation and composition of the commission.**

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

19 (b) The commission is composed of fourteen members: Governor
20 of the State of West Virginia, or his or her designee; Secretary of
21 the Department of Health and Human Resources, or his or her
22 designee; two members from the West Virginia Division of Juvenile
23 Services, appointed by the Governor, with the advice and consent of
24 the Senate; one member from the West Virginia board of education,
25 appointed by the Governor, with the advice and consent of the
26 Senate; the West Virginia State School Superintendent's Director of

1 Institutional Education; one representative from the Governor's
2 Workforce Investment Division, appointed by the Governor, with the
3 advice and consent of the Senate; three community representatives
4 from the county that houses the state's largest juvenile
5 delinquency population, one of which will be from the local
6 Workforce Investment Board Youth Council, appointed by the
7 Governor, with the advice and consent of the Senate; the Chief
8 Juvenile Probation Officer, from the county with the most court
9 involved youth; a member from the private mental health profession,
10 appointed by the Governor, with the advice and consent of the
11 Senate; a member of local law enforcement whose county has the
12 highest number of juvenile arrests, appointed by the Governor, with
13 the advice and consent of the Senate; and the county school
14 superintendent or his or her designee whose county has the highest
15 number of students drop out of school.

16 (c) The Governor shall appoint a chairperson for the
17 commission that will determine meeting agendas and preside over
18 those meetings.

19 (d) The Speaker of the House of Delegates shall appoint a
20 member of the House of Delegates and the President of the Senate
21 shall appoint a member of the Senate to serve as advisors to the
22 commission.

23 (e) Members of the commission are not entitled to compensation
24 for services performed as members but may be reimbursed for actual
25 and necessary expenses incurred for each day engaged in the
26 performance of their official commission duties in a manner

1 consistent with the guidelines of the Travel Management Office of
2 the Department of Administration.

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

4 The commission shall:

5 (1) Identify a county with the most at-risk youth, that also
6 has adequate facilities and community leadership, to run a
7 community based pilot program that brings together both state and
8 local organizations, to work collaboratively to provide
9 comprehensive, intense wrap around services to at-risk youth and
10 their families in a seamless coordinated system; and

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

20 **§18-33-4. Organization and goals of the pilot program.**

21 (a) The pilot program shall be operated by a local
22 community-based organization in partnership with the West Virginia
23 Department of Health and Human Resources, West Virginia Division of
24 Juvenile Services, Prestera Center for Mental Health Services, West
25 Virginia State School Superintendent, county superintendent's
26 office, local juvenile probation department and with other partner

1 agencies to serve as a clearing house to coordinate comprehensive
2 youth and family services. The pilot program shall be housed
3 within the community and will be directed by a local
4 community-based nonprofit organization.

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

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

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

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

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

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

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

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

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

- 1 (8) Increase the academic performance of youth enrolled in the
- 2 tutoring and mentoring program; and
- 3 (9) Reduce the dropout rate for youth enrolled in the program.

 This article is new; therefore, strike-throughs and underscoring have been omitted.