

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 202**

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

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

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14 A BILL to amend the Code of West Virginia, 1931, as amended, by  
15 adding thereto a new article, designated §18-33-1, §18-33-2,  
16 §18-33-3 and §18-33-4, all relating to creating a commission  
17 to develop a pilot program to help at-risk youth in West  
18 Virginia; creation of commission; composition of the  
19 commission; powers and duties of the commission; outcome  
20 recommendations for pilot program; goals of the pilot program;  
21 and operation of the pilot program.

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

23 That the Code of West Virginia, 1931, as amended, be amended  
24 by adding thereto a new article, designated §18-33-1, §18-33-2,  
25 §18-33-3 and §18-33-4, all to read as follows:

26 **ARTICLE 33. THE GOVERNOR'S COMMISSION ON IMPROVING OUTCOMES FOR**

1 **AT-RISK YOUTH.**

2 **§18-33-1. Legislative findings and definitions.**

3 (a) The Legislature finds and declares:

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

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

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

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

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

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

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

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

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

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

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

25 (12) West Virginia has been cited by the United States Justice  
26 Department for having the highest over-representation of minority

1 youth in its juvenile justice system;

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

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

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

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

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

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

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

25 (16) There is a growing need to help at-risk youth, that have  
26 entered the juvenile justice system, reform their lifestyle through

1 educational tutoring and mentoring, to help them on a path where  
2 crime is no longer necessary in their life and therefore avoid the  
3 adult criminal justice system.

4 (b) As used in this article:

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

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

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

17 **§18-33-2. Creation and composition of the commission.**

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

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

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

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

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

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

1 performance of their official commission duties in a manner  
2 consistent with the guidelines of the Travel Management Office of  
3 the Department of Administration.

4 **§18-33-3. Commission powers and duties.**

5 The commission shall:

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

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

21 **§18-33-4. Organization and goals of the pilot program.**

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

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