

H. B. 2399

(By Delegates Hatfield, Guthrie, Poore, Wells,  
Brown, Skaff and Moore)

[Introduced January 12, 2011; referred to the  
Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1, §9-10-2, §9-10-3 and §9-10-4, 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 §9-10-1, §9-10-2, §9-10-3 and §9-10-4, all to read as follows:

**ARTICLE 10. THE GOVERNOR'S COMMISSION ON IMPROVING OUTCOMES FOR AT-RISK YOUTH.**

**§9-10-1. Legislative findings and definitions.**

(a) The Legislature finds and declares:

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

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

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

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

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

10       (6) Nearly four hundred children are in out-of-state  
11 placement;

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

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

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

18       (10) Almost seven thousand children drop out of school each  
19 year;

20       (11) Almost seven thousand children appear before the Juvenile  
21 Court each year;

22       (12) West Virginia has been cited by the United States Justice  
23 Department for having the highest over-representation of minority  
24 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 dollars for services that benefit children, directly  
14 support 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 foster-  
21 care system graduate into the adult criminal justice system and  
22 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

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

5 (b) As used in this article:

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

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

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

18 **§9-10-2. Creation and composition of the commission.**

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

21 (b) The commission is composed of fourteen members: Governor  
22 of the State of West Virginia, or his or her designee; Secretary of  
23 the Department of Health and Human Resources, or his or her  
24 designee; two members from the West Virginia Division of Juvenile

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

20 (c) The Governor shall appoint a chairperson for the  
21 commission that will determine meeting agendas and preside over  
22 those meetings.

23 (d) The Speaker of the House of Delegates shall appoint a  
24 member of the House of Delegates and the President of the Senate

1 shall appoint a member of the Senate to serve as advisors to the  
2 commission.

3 (e) Members of the commission are not entitled to compensation  
4 for services performed as members but may be reimbursed for actual  
5 and necessary expenses incurred for each day engaged in the  
6 performance of their official commission duties in a manner  
7 consistent with the guidelines of the Travel Management Office of  
8 the Department of Administration.

9 **§9-10-3. Commission powers and duties.**

10 The commission shall:

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

17 (2) Identify the challenges confronting the most at-risk youth  
18 and their families and make specific recommendations to the pilot  
19 program administrators to improve the outcomes for these youths;  
20 specifically, to reduce the number of abuse and neglect cases, to  
21 reduce high school drop-out rates, to reduce substance abuse among  
22 youth including smoking, to reduce teen pregnancies, to reduce  
23 juvenile delinquency and to reduce the number of juvenile  
24 delinquents and youth aging out of foster-care that eventually

1 enter into the adult criminal justice system.

2 **§9-10-4. Organization and goals of the pilot program.**

3 (a) The pilot program shall be operated by a local community-  
4 based organization in partnership with the West Virginia Department  
5 of Health and Human Resources, West Virginia Division of Juvenile  
6 Services, Prestera Center for Mental Health Services, West Virginia  
7 State School Superintendent, county superintendent's office, local  
8 juvenile probation department and with other partner agencies to  
9 serve as a clearing house to coordinate comprehensive youth and  
10 family services. The pilot program shall be housed within the  
11 community and will be directed by a local community-based nonprofit  
12 organization.

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

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

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

- 1       (2) Reduce the number of youth in out-of-home placement;  
2       (3) Reduce the number of youth in out-of-state placement;  
3       (4) Reduce the number of status offenders referred to  
4 Department of Health and Human Resources;  
5       (5) Reduce the number of status offenders that progress to  
6 being adjudicated delinquent;  
7       (6) To reduce the number of youth that appear before the  
8 courts within the selected county;  
9       (7) Enroll, at least, one hundred of the most at-risk youth in  
10 a program where they receive intensive tutoring and mentoring;  
11       (8) Increase the academic performance of youth enrolled in the  
12 tutoring and mentoring program; and  
13       (9) Reduce the dropout rate for youth enrolled in the program.

NOTE: The purpose of this bill is to create a commission that will develop a pilot program to help at-risk youth in a selected county in West Virginia by introducing prevention strategies for children through early intervention and diversion strategies.

This article is new; therefore, it has been completely underscored.