

1 **Senate Bill No. 193**

2 (By Senators Kessler (Mr. President), Laird, Unger, Jenkins,
3 Foster, Miller and Yost)

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5 [Introduced January 16, 2012; referred to the Committee on
6 Government Organization; and then to the Committee on the
7 Judiciary.]

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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 §18-21-1, §18-21-2,
14 §18-21-3 and §18-21-4, all relating to creating a commission
15 to develop a pilot program to help at-risk youth in West
16 Virginia; composition of the commission; powers and duties of
17 the commission; outcome recommendations for pilot program;
18 goals of the pilot program; and operation of the pilot
19 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 §18-21-1, §18-21-2,
23 §18-21-3 and §18-21-4, all to read as follows:

1 **ARTICLE 21. THE GOVERNOR'S COMMISSION ON IMPROVING OUTCOMES FOR**
2 **AT-RISK YOUTH.**

3 **§18-21-1. Legislative findings and definitions.**

4 (a) The Legislature finds and declares:

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

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

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

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

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

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

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

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

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

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

1 (11) Almost seven thousand children appear before the Juvenile
2 Court each year;

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

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

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

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

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

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

23 (B) There is not an effective delivery system at the local

1 community level to deliver these services.

2 (15) Many youth aging out of the juvenile justice and foster-
3 care system graduate into the adult criminal justice system and
4 therefore contributes to and exacerbates the overcrowded prison
5 population and costs the state money; and

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

11 (b) As used in this article:

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

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

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

1 **§18-21-2. Creation and composition of the commission.**

2 (a) Effective July 1, 2012, there is created the Governor's
3 Commission on Improving Outcomes for At-Risk Youth.

4 (b) The commission is composed of fourteen members: Governor
5 of the State of West Virginia, or his or her designee; Secretary of
6 the Department of Health and Human Resources, or his or her
7 designee; two members from the West Virginia Division of Juvenile
8 Services, appointed by the Governor, with the advice and consent of
9 the Senate; one member from the West Virginia Board of Education,
10 appointed by the Governor, with the advice and consent of the
11 Senate; the West Virginia State School Superintendent's Director of
12 Institutional Education; one representative from the Governor's
13 Workforce Investment Division, appointed by the Governor, with the
14 advice and consent of the Senate; three community representatives
15 from the county that houses the state's largest juvenile
16 delinquency population, one of which will be from the local
17 Workforce Investment Board Youth Council, appointed by the
18 Governor, with the advice and consent of the Senate; the Chief
19 Juvenile Probation Officer, from the county with the most court
20 involved youth; a member from the private mental health profession,
21 appointed by the Governor, with the advice and consent of the
22 Senate; a member of local law enforcement whose county has the
23 highest number of juvenile arrests, appointed by the Governor, with

1 the advice and consent of the Senate; and the county school
2 superintendent or his or her designee whose county has the highest
3 number of students drop out of school.

4 (c) The Governor shall appoint a chairperson for the
5 commission that will determine meeting agendas and preside over
6 those meetings.

7 (d) The Speaker of the House of Delegates shall appoint a
8 member of the House of Delegates and the President of the Senate
9 shall appoint a member of the Senate to serve as advisors to the
10 commission.

11 (e) Members of the commission are not entitled to compensation
12 for services performed as members but may be reimbursed for actual
13 and necessary expenses incurred for each day engaged in the
14 performance of their official commission duties in a manner
15 consistent with the guidelines of the Travel Management Office of
16 the Department of Administration.

17 **§18-21-3. Commission powers and duties.**

18 The commission shall:

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

1 their families in a seamless coordinated system; and

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

11 **§18-21-4. Organization and goals of the pilot program.**

12 (a) The pilot program shall be operated by a local community-
13 based organization in partnership with the West Virginia Department
14 of Health and Human Resources, West Virginia Division of Juvenile
15 Services, Presteria Center for Mental Health Services, West Virginia
16 State School Superintendent, county superintendent's office, local
17 juvenile probation department and with other partner agencies to
18 serve as a clearing house to coordinate comprehensive youth and
19 family services. The pilot program shall be housed within the
20 community and will be directed by a local community-based nonprofit
21 organization.

22 (b) The pilot program shall operate out of a centrally located
23 building to coordinate service to youth and their families in the

1 selected county from birth to twenty-one years of age who are
2 referred by Department of Health and Human Resources, the counties
3 juvenile court and probation department, West Virginia Division of
4 Juvenile Services, the selected counties school system, social
5 service agencies, churches, community based organizations and
6 parents.

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

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

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

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

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

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

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

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

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

23 (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, strike-throughs and underscoring have been omitted.