

M I N U T E S

SPECIAL COMMITTEE ON JUVENILE MATTERS

October 16-17, 1975

Room 517 - State House

Members Present

Representative David Heinemann, Chairman
Senator Arden Booth, Vice-Chairman
Senator Robert Madden
Senator Jan Meyers
Senator Jim Parrish
Representative Michael Glover
Representative Fred Lorentz
Representative James Lowther
Representative Ardena Matlack
Representative Joseph Norvell
Representative Glee Jones

Staff Present

Myrta Anderson, Legislative Research Department
Walt Smiley, Legislative Research Department
Mary Torrence, Revisor of Statutes Office

Conferees and Others Present

Donald Binns, Alternative Schools, Lawrence
Dr. Robert Noble, Kansas Council on Crime and Delinquency,
Pittsburg
Barbara Sabol, Social and Rehabilitation Services
Mike McLain, Johnson County Juvenile Court
Judge Bill E. Haynes, Johnson County Juvenile Court
Ann Heberger, League of Women Voters of Kansas
Jane Cunningham, Junior League of Topeka
Cynthia Turner, Ballard Center, Lawrence
Charles Hamm, Social and Rehabilitation Services
Aleen Morris, Kansas Council on Crime and Delinquency
Elsie Lesser, Junior League of Topeka
Pam Stockham, Junior League of Topeka
Spencer Johnson, Ballard Center, Lawrence
Diane Simpson, Kansas Council on Crime and Delinquency

Conferees and Others Present
(Cont'd.)

Harold E. Russell, 2316 West 34th, Topeka
Jon R. Phillips, Karama House, Kansas City, Kansas
Wendell E. Maddox, Turner House, Kansas City, Kansas
Dave Williams, Lt. Governor's staff
Forrest Swall, School of Social Welfare, K.U.
Jack Pulliam, Social and Rehabilitation Services
Judge Honeyman, Shawnee County Juvenile Court
Sarah Bailey, Junior League of Topeka
Beth Fager, Junior League of Topeka
Shannon Manzanares, Social and Rehabilitation Services
Fred Holloman, House of Representative's staff
John C. Hazelet, Department of Corrections, Topeka
Lloyd R. Salisbury, Chief Probation Officer, Leavenworth
Ron Miles, Juvenile Probation Officer, Leavenworth
Woody D. Smith, Social and Rehabilitation Services, Topeka
Representative Ruth Wilkin, Legislator

Representative David Heinemann called the meeting to order and announced that the agenda for the morning included discussion of alternative schools and the federal legislation -- the Juvenile Justice and Delinquency Prevention Act. The Chairman then introduced the first conferee, Mrs. Cynthia Turner, Director of Ballard Center, Lawrence, Kansas.

Mrs. Turner gave a description of the activities, program, facilities, staff, financing and goals of the Ballard Community Center, North Lawrence, Kansas. (See Attachment I). The Ballard Center program for youth emphasizes a "self image" program based on the belief that youth need a positive identity to function within the guidelines of society. The Center works in conjunction with the public schools. The program was begun in June, 1974, and 25 children, all black, who are socially deprived and exhibit behavior and learning problems are currently enrolled in the program. The program is not restricted to any ethnic group and their goal is to have 40 youths in the program. Their work indicates that they need to expand beyond the ADC children level of assistance.

The Center operates on a yearly budget of approximately \$60,000. Funding for the project in the past has come from Title IV funds and state matching grants under S.B. 577. Currently the Center is paid for youths receiving ADC grants at the rate of \$5.11 per day for full day care. Since Ballard Center is a multi-purpose Center for the Community, United Fund and private contributions help to continue other programs.

Mrs. Turner described the duties of the staff which consists of two professionals - one trained in education and one in psychology and four para-professionals. She stated that it is hoped that the teacher-student ratio of 1 to 10 can be changed to 1 to 5 considering the behavior problems of the youth. There were approximately 50-75 youths involved in the programs during the summer but the Center considers 40 to be the maximum which the current staff can handle.

In response to questioning, Mrs. Turner indicated that the Center also has access to facilities and staff of the community such as Health Departments, Family Planning Center, KU facilities and staff, Bert Nash Clinic, etc. She stated their programs have pointed up the need to work with young children to give them a positive self-image in order to prevent later delinquency problems.

Representative Heinemann then introduced the next conferee, Mr. Donald Binns, Alternative Schools, Lawrence. Mr. Binns stated that their educational program is part of the extension program and that they currently have 93 students enrolled in the program. They expect to expand to 100 students before the end of the semester. There are 10 or more students currently on the waiting list to enroll in their program. The total number will probably increase because of the strict attendance policy initiated at the school.

The new attendance policy states that after 20 unexcused absences the student is automatically suspended. One full-time attendance clerk has been hired to call parents each time a student is absent. A study indicated this procedure had reduced absences from 300 a year ago to 100 this year. The 93 students in the program are from eighth and ninth grades and high school. The present total enrollment in the high school is 1,700 and 1,500 in the junior high schools.

A letter is sent to students who receive three no credits or more during the past semester telling them about the special courses available. The students have a choice and are not forced to attend the special classes. The classes operate on as few rules as possible and the goal is to help the student assume responsibility for his own education.

Courses taught are subjects such as science, mathematics, English, government, social studies, business education and vocational education courses, including commercial foods, carpentry, etc. The staff consists of 10 teachers with approximately 14 students in each class. The program is vocationally oriented and students can earn credits while working for employers in the community. Students receive individualized unit credits and can graduate from the program.

Approximately 15 to 20% of the students have at one time or another been wards of the court and they have two or three times as many boys as girls in the program.

Mr. Binns indicated the cost of the program is around \$120,000. This includes the primary cost which is leasing a building, other costs include buying equipment, paying staff, etc. 60% of the cost is funded by the state and 40% by the school district. The funding from the state comes through the Special Needs Program of the Vocational Education Department and there are similar programs, such as the Metro School in Wichita, a similar school in Leavenworth and one in Turner. The state gets the funding from the federal government from funds allocated for vocational education.

The student's schedule includes 90 days in the semester with 70 class hours required to be eligible for credit. They do not flunk students at the end of a semester but if they have only 60 days credit they allow the student to carry these credits over to the next semester. The program attempts to give individualized instruction to the students in an easy, informal atmosphere and the staff works with the family, the courts, the school and the community in attempting to meet the needs of the students.

The next conferee was Barbara Sabol of SRS who presented material to the Committee on: (1) the federal Juvenile Justice and Delinquency Prevention Act signed into law on September 7, 1974 and the requirements for a state plan for Kansas; (2) current activities of SRS, DSCY; (3) short range goals and long range goals; (4) progressive steps in helping juveniles; (5) a continuum of care; (6) grant solicitation announcement distributed to various groups and organizations; (7) a map of Kansas indicating facilities and the number of children served; and (8) a map of Kansas indicating funding by county under S.B. 577, 1974-75. (See Attachment II).

There are currently nine states which are not participating in the federal Juvenile Justice and Delinquency Prevention Act. They are Alabama, Colorado, Oklahoma, Rhode Island, Utah, West Virginia, Wyoming, Hawaii and Kansas. In order to participate in fiscal 1976 funds a state plan must be submitted to the LEAA regional office by December 31, 1975. A summary of activities and reactions of other states is listed in Attachment III. A review of a presentation by Milt Luger on arguments for abolishing status offenses in the juvenile justice system and arguments for retention of status offenders in the juvenile justice system is presented in Attachment IV.

In response to a question as to what should be done with runaway youth, it was suggested that they could be placed in group homes. They should not be placed with delinquents or in lock-up facilities. Also status offenders should not be placed in the same facilities as juveniles. As far as status offenders are concerned, the suggested Committee change of removing them from K.S.A. 38-824 to K.S.A. 38-826 should fulfill federal guidelines. Most states feel that the guidelines for participation in 1975 funds

are more rigid than original requirements. The state has two options -- it can use current plans for funding through GCCA or use the guidelines set for 1976. It was suggested that although the \$200,000 originally designated for Kansas was no longer guaranteed to the state, local communities in Kansas could compete with other states or local communities for the \$200,000 through special emphasis money.

Dr. Robert Nobel, Professor of Sociology, Pittsburg State College was the next conferee. He stated that he taught a course in the area of Juvenile Delinquency and was also active in KCCD. In addition he is a consultant for the Juvenile Court. He recommended that status offenders remain within the juvenile court system. He said he felt there was no conflict with federal guidelines for status offenders since such facilities as the Youth Center at Beloit and Topeka are considered treatment facilities and not detention centers. He described the Children's Court Center in Pittsburg which is housed in a building which was formerly a nurses home. The county health department and mental health center are also located in the same building. The Children's Court Center serves a nine county area and they currently have 16 girls and 24 boys in the facility. There is a waiting list for the placement of other children in the Center. Other counties use the facility on a fee-for-service basis. It is federally funded (with local matching funds) through the GCCA and LEAA. The average length of stay for children in the facility is two months. The cost is approximately \$40 a day per child. The local share of the funding amounts to approximately \$30,000 (10% of the total cost).

Senator Meyers gave a brief report on the Missouri Juvenile Justice Conference held at the Muehlebach Hotel in Kansas City, Missouri, on October 2 and 3. She stated it was a well-organized and profitable meeting.

Dr. Forrest Swall, School of Social Work, KU, was the next conferee. He also spoke to the position of status offenders and stated that the Kansas Council of Crime and Delinquency had worked closely with a consultant with the St. Louis Law Center and had taken the position that status offenders should be removed from the Code. He stated the primary reason he felt status offenders should be removed from the juvenile justice system was because of limited resources of the court. The court cannot do an adequate job with all offenders and should concentrate on the more serious offenders. He cited several cases of truant offenses, etc., where the results were unsuccessful in dealing with status offenders. He stated statistics indicate that the court is not dealing adequately with status offenders. If jurisdiction is retained over status offenders it means that we have more responsibility for their welfare and the tendency is to make promises that cannot be met. Judge Haynes, Juvenile Judge of Johnson County, recommended retaining the status offenders within the juvenile court system. The Committee adjourned for lunch.

The meeting reconvened at 1:30 p.m., with Judge Honeyman of the Shawnee County Juvenile Court as the first conferee. His testimony included comments on the following areas of the Juvenile Code: status offenders, truancy, delinquency and miscreant cases - escalation of cases, trial de novo on appeals, juvenile records, placement and funding and other specific statutory questions. (See Attachment V).

The most common offense in Shawnee County Juvenile Court is the status offender. The statute, K.S.A. 38-802(d) using the terminology "whose behavior is injurious to his welfare," does not give the youth or the public a clear definition of the action prescribed by law. There are 600-700 status offense cases referred to the Shawnee County Juvenile Court a year. The average age of the offender is 15 1/2. Judge Honeyman stated that because of the limited resources of the court such cases should be handled in the home, with supportive services provided by community resources. If parents refuse or are unable to assume and exercise their responsibility the offense may be categorized as "dependent and neglected" child. If community resources are not developed to resolve the problem, many of the children will be referred to the court for more serious antisocial or criminal behavior.

The Shawnee County Juvenile Court receives 60-80 truancy referrals per month. Most of these cases are brought to the attention of the court intake officers who counsel with the child, parents and school authorities. The parochial schools, within school district 501, have made no referrals within the last full school year. Shawnee Heights, Washburn Rural, and Seaman High Schools make few truancy referrals to the court. Only a few of the referrals result in formal petitions being filed by the court and these are usually aggravated cases. Judge Honeyman stated that truancy should not be a court matter and, ideally, should be handled in the family and in the school with support from community resources. More emphasis should be placed on special education, psychological testing at earlier ages, and vocational training programs for those who have academic difficulties. Alternate schools with combined academic classes and vocational or on-the-job training should be an essential part of the state education program.

Judge Honeyman said there was little need for a distinction between "delinequent" and "miscreant" as far as disposition of the case was concerned. Also, statutory authority for finding a youth to be a miscreant after three wayward adjudications, or delinquent after three miscreant adjudications is unjustified, unwarranted and unique to only a few states.

Judge Honeyman gave a detailed explanation of the reasons why he felt trial de novo on appeals from municipal, juvenile and county courts should be deleted (See Attachment V). He also pointed to the need for additional court personnel to enable juvenile courts to process cases more effectively.

Other subjects discussed were court records and placement and funding of juvenile cases. As an example of problems facing juveniles, Judge Honeyman read a letter to the Committee from a young boy committed to Boys Industrial School.

In response to questioning, Judge Honeyman discussed the role of guardian ad litem as related to court reorganization. He cited a possible alternative similar to the public defender system in which persons are paid out of United Fund money and their positions are approved by the district judge. Under the present guardian ad litem procedure the juvenile judge appoints a guardian ad litem, usually young attorneys who wish to establish their practice. They are paid \$8.00 an hour. If a pool of lawyers is developed, as in the public defender system, Judge Honeyman thought the result would be more plea bargaining because of the increased caseload. The possibility of having testimony from some guardians ad litem was discussed but because of the shortage of time, the Committee decided to recommend this for future study.

The Revisor of Statute's Office reported that upon investigation with Jim James, Judicial Administrator of the Supreme Court, concerning the role of guardian ad litem and the role of probation officer, under court reorganization it was still indefinite as to what the procedure might be. If the state funds all court personnel, a Director of Personnel would be established and the probation officer and guardian ad litem could come under this office. If the state does not fund all court personnel, a board under the Supreme Court could be established which would set standards for these offices. The responsibility for hiring and enforcing standards would be within the judicial district or county and costs would be pro-rated back against the counties involved. The Revisor's staff indicated that the Judicial Administrator felt the matter would be decided this session. Walt Smiley, Legislative Research Department staff, agreed to coordinate this matter with the Judiciary Committee when the court reorganization proposal comes up.

The Revisor's staff then reviewed Working Draft No. 1, of the proposed changes in the Juvenile Code. (See Attachment VI). The following changes were agreed to by the Committee in the draft legislation:

Page 1, Section 1(a) K.S.A. 1974 Supp. 38-802,
Definition Section.

"Children's aid society" - changes are primarily clean-up to reflect the amendments proposed.

Section 1(b) "delinquent child" - redefines delinquent as a child who commits an offense that, if committed by an adult, would be a felony.

Eliminates escalation of offenses.

Section 1(c) "miscreant" - redefines miscreant as a child who commits an offense, that if committed by an adult, would be a misdemeanor.

Page 2, Section 1(c)(3) eliminates subsection 3, line 10.

Page 2, Section 1(c)(4) eliminates escalation of offenses, line 16.

New subsection (3) insert in line 25. Escapee will be wayward rather than delinquent. Escapee is aggravated juvenile delinquent (K.S.A. 21-3611), tried in district court. Language change: "runs away from custody from any structured juvenile detention home, etc.".

Section 1(d) New subsection (5) change made to eliminate traffic offenders from code.

Pages 2 and 3, Section 1(d), old subsection (5), line 35 strike.

Page 3, K.S.A. 1975 Supp. 38-802 (e) traffic offenses. (1), line 9, add or "similar city ordinances." Also, add "or if incarceration is required". Staff to work on changes suggested in this section.

Committee consensus indicated that a child under 16 should not be incarcerated for a traffic offense but should be referred to the juvenile court. Committee recommends that the traffic code and juvenile code be amended to reflect this change.

K.S.A. 1975 Supp. 38-802 (f) leaves truants in code.

Page 3 and 4, K.S.A. 1975 Supp. 38-802 (g) lines 21-35, etc. delete, removes dependent and neglected definition from code.

Page 4, new subsection (g) (1) "deprived child", Committee accepted first alternative lines 5-13, delete "morals", line 10. Delete (3) (4), lines 14-16. Delete second alternative, lines 17-24. Make wording in new subsection (g) (3) correspond with that of Child Abuse Act, change to "physically, emotionally mentally or sexually mistreated".

New subsection (g) (4) (5) lines 27-30, Committee accepted.

Page 4, K.S.A. 38-802 (g) (6), lines 31-32, delete.

Pages 4 and 5, K.S.A. 38-802 (h) - (1).
Committee approved.

The Committee adjourned until 9:00 a.m., Friday, October 17, 1975.

October 17, 1975

The Chairman called the meeting to order at 9:00 a.m., and introduced the first conferee, Mr. John Hazelet, Deputy Secretary for Institutions, Department of Corrections. Mr. Hazelet distributed a booklet to the Committee entitled, "Jail Standards and Procedures", published by the Department of Corrections. (A copy is on file in the Legislative Research Department.) The standards and procedures became effective July 1, 1975, and were obtained through the efforts of a Committee with the final editing and approval by the Secretary of Corrections, Robert R. Raines. Consideration was given to local agencies responsible for the incarceration of persons in the area of those serving on the Committee. The information was obtained from a series of surveys and public hearings.

Mr. Hazelet gave a summary of the results of the Department of Corrections survey on jail inspections. (See Attachment VII). The information included: (1) actual inspections made - 110; (2) inspections and/or reports completed and mailed - 72; (3) number of complaints worked; (4) consultation meetings with city and county commissioners and architects involved in designing or remodeling jails - 35; (5) recommendations to close facility; (6) new jails under construction or planning stages - 15. Miles traveled by jail inspectors during July, August, and September totaled 23,815 miles.

Mr. Hazelet reviewed the standards and provisions for housing juveniles which provide that: (Jail Standards and Procedures, page 6).

4. A facility shall not house juveniles, except as otherwise provided by statute (K.S.A. 1974 Supp. 38-801, et seq., and especially K.S.A. 1974 Supp. 38-815(e).)

and (page 16, Section 26) Inmate Separation:

1. (e) A first offender shall be housed separately; the misdemeanant from the felon; the sentenced from the unsentenced; males from females; and juveniles from adults.

In response to questioning, Mr. Hazelet stated that separately generally means separated by a wall and solid doors, not just a cell. He also suggested that in some cases cameras have been used for additional security but this procedure did not replace the personal inspection which is to be made every hour.

Committee discussion followed on sanitation and supervision of jails and programs for inmates, the maximum length of time a juvenile may be held before a hearing, etc. Judge Haynes stated that a delay in court action can lengthen this period of time, and usually included in this category are cases that have been waived or are being appealed.

In response to a question concerning the period of time which is provided to correct inadequate jails, Mr. Hazelet responded that if a building is in bad shape, the Department recommends contacting a structural engineer to get the facility in shape. If the facility is to be closed, the Health Department, Corrections Department and Fire Marshal all make inspections. The University of Illinois, Urbana, has established a National Clearing House which trains architects in the area of jail construction. Most of the smaller jails have one space for juveniles separated by a wall; sometimes if no facilities are available juvenile cases are sent to homes or adjacent county facilities.

Jail standards and procedures have been reviewed by the Department of Corrections from about 12-15 other states and in most states jails are administered as they are in Kansas - a shared responsibility between local units and the State Department of Corrections. In some states the Department of Corrections administers all jails.

In Kansas inspections are made annually or sooner if there are complaints. Juveniles are to be allowed visits by probation officers, weekly religious services, access to T.V. sets, participation in sports such as ball games, etc. If these programs are not provided, this information is to be recorded during the inspection. In order to qualify for federal funds, there must be an adequate system of monitoring jails and an annual reporting made.

Mr. Hazelet was asked what could be done if cities or counties were holding juveniles in jail in violation of standards. He said this was a responsibility of the local police officer and sheriff, as far as enforcement was concerned, and the juvenile judge who ordered disposition. He stated that there were statutes covering this, such as treatment of prisoners, etc.

K.S.A. 19-1919. Treatment of Prisoners; juvenile prisoners; visits of parents and friends. All prisoners shall be treated with humanity, and in

a manner calculated to promote their reformation. Juvenile prisoners shall be kept, if the jail will admit of it, in apartments separate from those containing more experienced and hardened criminals. The visits of parents and friends who desire to exert a moral influence over them shall at all reasonable times be permitted.

Other statutes relating to this subject are: K.S.A. 19-801 et seq., (sheriffs) and K.S.A. 19-901 et seq., (matron for county jail).

Upon request of the Committee, Mr. Hazelet said he could collect information on juvenile facilities and have this material available for the Committee probably by December 15, or before the legislative session. The Committee needs to know if the statutes providing that housing juveniles with adults are being violated, and, if so, with what frequency? When the city and county do not have facilities for juveniles, what arrangements do they make? If there are juveniles housed in the local facilities, what programs are provided? How long were the juveniles detained before being moved to a detention center? What is the total number of juveniles that have been incarcerated in the facility?

After Mr. Hazelet's testimony, the Committee continued its review of Working Draft No. 1, revisions in the Juvenile Code. The following changes were agreed to by the Committee:

Page 5, Section 2, K.S.A. 38-805(a), lines 13-17, Committee accepts.

Section 2(b) delete lines 18-21.

New subsection (b), lines 22-27, Committee accepts.

Section 2(1), lines 28-29, delete.

Section 2(1) lines 30-34, accept. Insert in line 34 after child "or under consideration of providing supervision or having custody of the child".

Page 6, Section 2 (4), lines 1-5.

New subsection (4), lines 6-8, delete, "only on motion."

Further Committee discussion on juvenile records. Committee directed that the final report indicate that a request be made of the Judiciary Committee to reconsider the problem of juvenile records.

A letter from Frank Yeoman, Assistant District Attorney, Juvenile Court, Shawnee County to Senator Parrish was distributed to the Committee. (See Attachment VIII). Committee discussion followed on items in the letter including: appeal by the state, K.S.A. 38-834, and interpretation made by the Supreme Court In the Interest of Waterman, 212 Kansas 826, and trial de novo. During discussion, it was pointed out that under a uniform court procedure, an administrative court would take care of the problems of appeal and trial de novo. The Committee agreed to consider this matter at some future time.

Representative Matlack distributed materials to the Committee on an alternative school in Wichita (Metropolitan Secondary Program Center) which she had visited. (See Attachment XI). The Committee then adjourned for lunch.

Chairman Heinemann called the meeting to order at 1:30 p.m. Committee discussion followed on Working Draft No. 1, revision of the Juvenile Code. The following changes were accepted by the Committee:

Page 6 Section 3, K.S.A. 38-806(a), lines 9-21, Committee accepts.

Section 3(b), line 24, change "may" to "shall". In line 25 after 21 years, insert "or who has been discharged by the court." Delete lines 25-30. Staff to reconsider changes in this section.

Page 6, Section 3, K.S.A. 1975 Supp. 38-805(c) lines 31-35 and page 7, lines 1-6, Committee accepts. (c), line 35 after truant insert "or who is deprived".

Page 7, Section 4, K.S.A. 38-807, staff will check "legal custody" definition.

Pages 7 and 8. Changes primarily clean-up ones.

Page 9, Section 7(c), lines 27-34. Provide venue for adjudication in county where offense occurred, venue for disposition in county of child's residence.

Page 10, Section 8, line 1, delete (a) "Before adjudication and". Line 2, after comma insert "or upon the court's own motion". Line 3, delete "original adjudicatory".

Page 11, Section 10, K.S.A. 1975 Supp. 38-815(b) redraft to reflect similar provisions in K.S.A. 22-2401. Use "may take into custody" rather than "arrest". Change "peace officers" to "law enforcement officers" when terms appear in the proposed legislation.

Page 11, Section 10(b), line 22, change "reason" to "probable cause". Delete "upon observation or information", line 25, delete "is likely to" insert "may cause".

Page 13, Section 11, K.S.A. 1975 Supp. 38-815(b), line 27, insert after state "other than K.S.A. 38-3803. Insert 5 exceptions as to easy access to files taken from Uniform Juvenile Court Act. (See Attachment X). Also consider federal regulations as they appear in Federal Register, Tuesday, May 20, 1975, as to guidelines for release of police records, etc., if federal funding is involved.

Page 14, Section 11, K.S.A. 1975 Supp. 38-815(c), line 6, delete "at once" insert after report "promptly".

Page 14, New Section 12. Committee accepts.

Page 15, New section 12 (c) (3) delete.

New Section 12, (d), line 22, delete "All index references shall be deleted and". Insert in line 28 after and "those authorized by him" and delete "only by those persons named in the order.

Discussion followed on sealing and expungement of records. Staff to make necessary changes. Page 8 Section 6, K.S.A. 38-810. Discussion returned to problem of what constitutes reasonable notice and use of restricted mail. The suggested wording "reasonable notice herein will be deemed proper by restricted mail at person's last known address" could be inserted where necessary. Staff was directed to determine proper wording and proper location.

Discussion followed on the problem of probation officers. It was agreed that the Committee request that the Judicial Council appoint a committee to consider the problem of how to set up a statewide Juvenile Probation System. The Committee could consist of representatives of Probation Officers, Juvenile Judges, SRS, etc. The Judicial Council is meeting next month and would be an effective group to get people involved to present some specific recommendations to the legislature.

The next meeting will be November 7 at 9:00 a.m. Another meeting date was set for Wednesday, November 12, at 9:00 a.m. to consider further the draft legislation and the report. Items

to be considered for the next meeting include: notice of detention hearing, waiver of detention hearing, intake procedures, issue of courts and SRS, etc. The minutes for the meeting of September 29 and 30 were approved as corrected. The meeting adjourned.

Prepared by Myrta J. Anderson

Approved by Committee on:

November 7, 1975
(Date)

Attachment I
C. Turner 10/16

DAY CARE PROGRAM
BALLARD COMMUNITY CENTER

Based in Ballard Community Center, North Lawrence
Emphasis is on a 'Self-Image' Program - youth must find his individual identity, a positive identity, to function within the guidelines of society.

This is a Day Care Program scheduled to be in operation 250 days annually for full day care (4 hrs or more) and there are frequent weekend activities. During the school year the program operates from 3:30 to 9:00 p.m. Youth are divided by age groupings and a hot meal is served. Summer hours are generally 10:00 a.m. to 4:00 p.m. with an evening session for our older youth. Age range is 6 thru 16. Tutoring is provided, arts and crafts, new social learning experiences, field trips, an opportunity to learn interaction in socially acceptable ways.

Program was begun at Ballard in June of 1974 and has been in operation since then, except for a two month period. In January 1975 we lost funding under Title IV. State match funds under SB 577 were withdrawn. We are currently only paid for youth receiving ADC Grants, at the rate of \$5.11 per day for full day care. Program should not be exclusive to ADC Youth and the operation of this Program on \$5.11 per day per youth is an impossible financial undertaking! Since Ballard is a multi-purpose Center for the community, the United Fund allotment and private contributions are necessary to continue other programs, also needed in the community. Adequate funding for the Youth Program, as a separate entity, is necessary if it is to be successful and on-going.

Although we prefer the title 'Self-Image' Program, this is a program dealing with highly potential delinquents and youngsters already termed 'delinquent'. We are currently working with 28 youngsters, all Black, all socially deprived, all exhibiting behavior problems and learning deficiencies. The program is not restrictive to any ethnic group. Four white youth recently left the program because the mother moved to Eudora, which causes transportation problems. SRS case worker may be quoted as stating, "SRS sends us their most serious problem youngsters".

We feel the key to helping these youth build a positive self-image is in the 'teachers' who work the closest with them. Staff members with professional skills are needed but we also see an equal need for non-professionals to work closely with the youth. We see a positive male image as a necessity, particularly for our black youth - who are growing up without this image. Possibly the most important qualifications for the teachers are dedication and caring. The ratio of 1 to 10 should possibly be changed to 1 to 5, considering the behavior problems. The program, on a day to day basis, sounds simple - certainly nothing spectacular. It will take time to show changes - perhaps years - but we believe the changes can be consistent with the end result of young human beings growing personally, rebelling less, and ultimately reducing crime rate.

This summer we have been able to reduce the incidences of fighting. Fighting is the only acceptable way these youth have found to solve problems. They must, consistently, be shown alternatives. Cursing is second-nature to most. We have made progress in that area also. Social manners and experiences we take for granted are not a part of their lives. 'Dinner Out' or hamburgers for lunch is a rare treat and behavior that is 'acceptable' on these occasions is simply not known. Toward the end of the summer 15 of our youngsters were complimented on their 'manners' by a local restaurant owner. They were proud of that compliment! It all adds to positive self-image.

A trip to Ft. Worth, Texas with the Director last summer was a unique experience. (Invitation from another Youth Group.) Most had never been in a motel room - they learned much. Again, we take such a simple living experience for granted.

Several trips were made to the KU Art Museum - with our youth participating in the work-shops. Quite an adventure - the first black participants. We are proud of their courage shown in attending and pleased to hear them ask to go again. We are trying to arrange that this year.

Academic help is needed and tutoring is provided according to individual need. We need to proceed slowly, as behavior 'gets in the way' of learning. This summer two youth, ages 8 and 9, learned to count to 100 and to print the alphabet. Tutoring will be most effective in small groups, in a friendly, trusting atmosphere where they are not already labeled 'stupid' and 'problem kids'.

There is a general lack of supervision at home - mostly one-parent homes. Youth are following established behavior patterns. One of our youngsters idolizes an uncle with a prison record, who still fights, drinks, steals, as an acceptable way of behaving. One mother, who has no alternative but to work a 3:00 to 11:00 p.m. shift tried to protect her children by instructing them to remain in the basement during her absence. It was not a lack of love or caring, but the only alternative she knew. We now have the youngsters in our program. Just over the summer months we are noticing a lessening of hostility, a trust beginning to develop and a real joy with being in our group. The life style of our youngsters seems 'pre-determined', except for a small percentage who manage to escape - unless an alternative is found. That is what our program intends to help them find. This program permits the child to remain in the family unit and enjoy normal activities and aids and caring that are 'rights' of all children. Parental involvement is consistently sought. Our parents are often criticized for 'poor planning'. "People should not have children unless there has been adequate planning to care for their needs." We agree. However, poor planning or no planning is the result of myriad reasons - not necessarily a lack of love. The frustration levels in these families is high. We will look to KU for assistance with In-service training, consultant services in the areas of education and psychology, volunteer help from students. We work closely with the Douglas County Health Dept. on licensing requirement, nutritional guidelines and health needs.

Most important, we find a genuine response from our Youth. They are eager to come, ready to learn. In their own, unspoken, way - they are asking for help. There is some feeling that providing school supplies to the 'less fortunate'; a turkey for Thanksgiving and adopting a family for Christmas is enough involvement. These are certainly caring gestures but our youngsters need consistent, organized caring to develop trust - in themselves and in society. Isn't it time we respond and begin preventive programs to curb anti-social behavior before it becomes a threat to society, a greater expense to society? There is a point at which society becomes 'immobilized' by fear of crime - difficult to make rational decisions in a climate of fear. Better to begin with Preventive Programs now. Certainly Day Care Programs such as ours are a more workable, less fragmented (youth remains with family and in community) and less expensive than later institutional care.

Juvenile Justice & Delinquency Prevention Act.

The JJDPA prevention act of 1974 was signed into law September 7, 1974. 4

It is the purpose of the act to:

Evaluate all Federally assisted delinquency programs.

Provide technical assistance for program development and implementation in states and local communities.

To establish training program.

To establish centralized research and information clearing house.

To develop and encourage implementation of national standards for the administration of Juvenile justice.

To assist in the development of State and Local programs.

To keep students in school and prevent unwarranted suspensions and expulsions.

To establish a Federal assistance program to deal with the problems of run-a-way youth.

This act provided for the creation within the Dept. of Justice Law Enforcement Assistance Administration the Office of Juvenile Justice and Delinquency prevention. This office shall be headed by an assistant administrator (Mr. Milt Luger) who has been nominated by the President. This administrator will be responsible for implementing over all policy and developing objectives and priorities for all Federal Juvenile Delinquency Programs and Activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and the improvement of the juvenile justice in the United States.

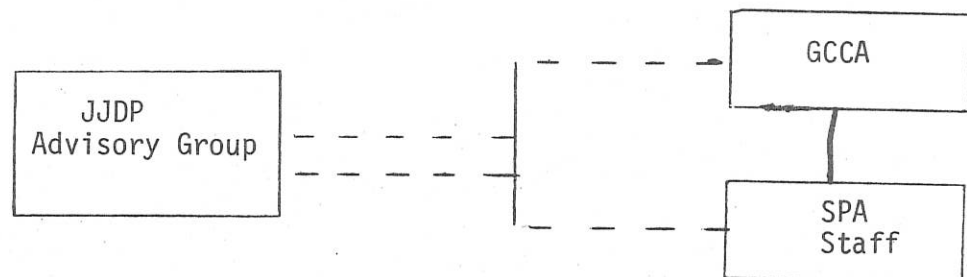
A coordinating council on juvenile justice and delinquency prevention is established by the act among Federal Agencies and will be chaired by the Attorney General. This coordinating council will make a recommendation to the President for over all policy coordination and the development of objectives and priorities for all federal delinquency programs and activities.

In addition to the coordinating council there will be a national advisory committee which will be responsible for making recommendations to the administrator on program and policy annually and through sub-committees serve in an advisory roll to the National Institute for Juvenile Justice and Delinquency prevention and to the administrator in developing standards for the administration of Juvenile justice. The National Advisory Committee will consist of 21 members with some special requirements for membership. (i.e. 1/2 of the members must be under 26 years old). The Juvenile Justice Delinquency and Prevention Act provides that the administrator is authorized to make grants to states and local governments to assist them in planning, establishing operating, coordinating, and evaluating projects for the development of more effective education, training, research, prevention, diversion treatment and rehabilitation programs in the area of juvenile delinquency.

The Juvenile Justice Delinquency Prevention Act provides that formula grants will be available to states at a 90% match on the basis of the relative population under age 18. No states allotment would be less than \$200,000.00.

the 10% non-Federal share of costs of any approved project may be in cash or kind. In order for a state to receive formula grants, the state must submit a plan for carrying out the requirements of the act. In order to be approved, the state plan, must designate the state planning agency, establish under the omnibus crime control and safe streets act of 1968 as the sole agency for supervising the preparation and administration of the state plan. In Kansas, this would be the Governors committee on criminal administration. Other plan requirements include

1. The appointment by the governor of an advisory group. The function of this advisory group would be to advise the state planning agency and its present commissions or boards.



The advisory group will serve in an advisory capacity to the governors committee on criminal administration and to the staff of the state planning agency. The act requires that this advisory committee be composed of not less than 21 and not more than 33 people. 1/2 of whom must be under the age of 26. A majority of the members may not be Federal, State, or local government employees, and the membership shall include local government, law enforcement and other agencies which deal with youth, including private organizations.

2. Set forth a detailed study of the states needs for an effective comprehensive and coordinated approach to juvenile delinquency prevention and treatment and an improvement in the juvenile justice system.

3. Provide that not less than 75% of the funds that are available to the state be spent on advanced techniques. These advanced techniques may include:

- a. Community based programs
- b. Family service programs,
- c. Youth service bureaus,
- c. Other programs to divert youth from the juvenile court
- d. Comprehensive drug and alcohol programs
- e. Educational programs, such as alternative schools.
- f. Expanded use of probation including improvement in training
- g. Youth initiative programs
- h. Out reach and subsidy programs to discourage securing parsara.

4. Provide that within two years after submission of the plan, that juveniles who are charged with, or who have committed offenses that would not be criminal, if committed by adults, shall not be placed in juvenile detention or correctional facilities.

5. Provide that juvenile alleged to be or found to be delinquent shall not be detained or confined in any institution in which they have regular contact with

adult persons incarcerated, because they have been convicted of a crime or are awaiting trial on criminal charges.

6. Provide that fair and equitable arrangements are made to protect the interests of employees affected by a system under the Juvenile Justice & Delinquency Prevention Act. The specifics of this protective arrangement are specified in Sections 223 (a) (17) (A) (B) (C) (D) (E) in the sub part two of this act called special emphasis prevention and treatment programs discusses the discretionary grant money that may be made available for special emphasis grants which are to be used for the development and implementation of new approaches with respect to juvenile delinquency programs developing and maintaining community based alternatives, developing and implementing effective means by boarding juveniles from the traditional juvenile justice system, the development and implementation of model programs. Part C of the act speaks to the national institute of the Juvenile Justice & Delinquency Prevention establishing within the Juvenile Justice and Delinquency Prevention Office, a national institute for juvenile justice and delinquency prevention. This institute will be under the direct supervision of the assistant administrator.

State Participation in JJDPA

Currently there are nine states which were not participating in JJDPA. They are Alabama, Colorado, Oklahoma, Rhode Island, Utah, West Virginia, Wyoming, Hawaii, and Kansas. In addition, American Samoa is not participating. In order to participate, in fiscal year 76 funds, a state plan must be submitted to the LEAA Regional Office by December 31, 1975. This plan must meet the requirements as specified in Section 223A of the law. A guide for state planning agency grants has also been published by LEAA for use in preparing the state plan. The state planning agency has already submitted a comprehensive law enforcement and criminal justice plan which contained an analysis of juvenile justice problems and discussed an approach to juvenile delinquency and specified goals and objectives. This means then, that there is available, information which can serve as a base for the comprehensive juvenile justice plan that must be submitted to participate in the Juvenile Justice Delinquency & Prevention Act. Additions will have to be made, however, for example, how the state planning agency will consult with private agencies, how the state agency will consult with local governments, and how and when the de-institutional organization of status offenders.

Current Activities of SRS DSCY

There are in Kansas 65 group boarding homes and residential centers for children and youth with a capacity of 1,224. Group boarding homes and residential centers must provide some combination of the services listed on the attached children and youth form, which will be submitted annually by all group boarding homes and residential centers approved to care for children. A telephone survey on the 15th of October of 23 boarding homes regarding current populations, indicated that 57 children were D&N, 52 miscreant/delinquent and 32 status offenders. This indicates that approximately 22% of the population surveyed were categorized as status offenders. An evaluation completed by Midland Consultants, Inc., on community based care, indicated that a majority of the consumers were satisfied with group homes, that the impact of group homes is positive, and that the cost of treatment in group homes programs compares favorably with other residential treatment programs.

KSA 39-1301 (Senate Bill 577, 1973 session) has become an integral part of the Division of Services to Children and Youth administration. In awarding grants under the auspices of Senate Bill 577, emphasis has been placed on intervention at the earliest time possible by providing alternatives and opportunities for youth to refocus and redirect their behavior in order to decrease the probability of future delinquent behavior and to decrease the necessity for many youth to be placed in institutions. Through funds available from the Federal Office of Youth Development a preliminary evaluation was made on fourteen projects during fiscal year 74. The purpose of this preliminary evaluation was: (1) to assess the need for community-based treatment programs, and (2) to evaluate the community-based treatment programs funded through Senate Bill 577 in order to guarantee that adequate and effective services are being provided and that appropriate youth are being served.

In response to a questionnaire, the juvenile judges from counties with youth populations exceeding 5,000 indicated that about half of the youth they had sent to state institutions could have been served in the community if adequate community-based programs had been available. Institutional administrators, in response to a similar questionnaire, indicated that about one-fourth of the youth that were sent to their institutions would have been eligible for community-based programs if enough programs were available in Kansas.

A study made of institutionalized youth at Osawatomie Youth Center by Legislative Post Audit Department in 1974, showed group homes to compare favorably to institutionalization.

Other data from Sedgwick County gathered by SRS showed that half of the 48 children being held in detention could have benefited from group care homes and would have needed institutionalization only if other facilities were not available. This data suggests the need for further expansion of community-based programs in Kansas.

To date the Senate Bill 577 granting program has matured to the point that it can selectively develop local community grants in priority need areas, and do cooperative planning along a continuum of care, with justice planners, GCCA, the mental health centers and various youth institutions. The rules, regulations and procedures of the program are well developed and the initial backlog of proposals which inundate a new program have been brought into manageable proportions. The program has now reached the stage of planning, rather than reacting to crises.

Attached is a map which shows the number of boarding homes and residential centers and detention facilities and indicates their location as well as indicating the location of emergency foster parents and emergency shelter facilities. In addition, there is a map showing where \$577.00 have been spent. From appropriations of \$412,149.44 a total of \$1,592,258.47 has been generated for community-based care and diversion programs.

A survey completed by the Division of Mental Health and Retardation Services indicates that at any point in time two to three percent of the youths at the Youth Center at Topeka are in the category of status offenders. At the Youth Center at Beloit at any point in time there may be as many as 30 percent of the population in the category of status offenders. As stated previously a sample of 23 group boarding homes in reviewing their current population found that about 22 percent were status offenders. It appears that females who have committed status offenses have a higher probability of being committed to the Youth Center than does a male who has committed a status offense.

It appears that the greater rates of detention of status offenders probably arises from the higher proportion of cases in which the parents desire the youth to be out of the home. If the family problem cannot be resolved and the child remains in his own home, an out of home placement is needed. When the youth proves sufficiently difficult that the relatives and foster parents will have nothing more to do with him, the pressure to use a secure facility becomes very strong. In addition, females make up an unusually high percentage of institutionalized youth in comparison to males partly because of our general social taboos relating to youthful sexuality particularly on the part of females. Girls who chose notorious promiscuity as a means of expressing adolescent rebellion are likely to be rejected by their families, relatives and foster care placement facilities.

The Juvenile Justice Delinquency Prevention Act requires that within two years after the state has submitted its plan under this act and the plan is approved the state must guarantee that status offenders will not be placed in detention or jail. This indicates that there must be more program and facility development for the status offender if this requirement is to be met. Currently there is no funding program designed for children who have not come under the court's jurisdiction. SRS cannot participate in the payment for residential care for children and youth unless the child is committed to the Secretary and/or is eligible for public assistance.

In addition to the activity in residential community based care the Division is actively involved in several projects all with the ultimate goal of preventing institutionalization.. The typical foster family home is not geared up to deal with children who "beyond control" or "incurable". The Division is currently developing a plan that defines levels of foster care so that there will be a cadre or foster parents who receive special training in caring for children who exhibit these socially unacceptable behaviors. There is a corollary plan and proposal for a graduated payment scale which would allow different rates of payment for the different levels of care. There is a 577 project that is being developed by SRS and the Kansas State Foster Parents Association to begin this process of recruiting and training these specialized foster parents to serve as caregivers for adolescent, delinquency prone youth who do not have a stable home structure and who are not served in normal foster care and who do not need care available in group settings.

Emergency shelter facilities are being developed now in Shawnee and Wyandotte counties. These are shown on the attached map. In addition the Title XX plan specifies a range of services that may be provided or purchases for any child who needs protective services. One of these services is emergency shelter.

SRS has submitted to this Committee recommendations for change in the Juvenile Code. The Committee has approved the removal of status offenses from 38-82⁴ to 38-82⁶. This eliminates the possibility of status offenders going to the youth centers - the ultimate detention for a juvenile. This proposed code change does not eliminate the possibility of the status offender being placed in detention other than the youth centers or jail. As mentioned earlier the status offenders must not be placed in detention or jail two years after the states plan under the JJDPA is approved. The Division is committed to and actively engaged in programming for the delinquent and pre-delinquent youth and has placed a high priority on the development of alternatives to institutionalization to facilitate the diversion of children from the juvenile justice system and promote deinstitutionalization.

Following are the short range and long range goals developed for expending SB 577 funds. These goals clearly indicate that the Division does have a coherent plan for the above described youth, however until funds are available so that SRS can participate in the payment for residential care for children not committed to the Secretary and/or eligible of public assistance the problem of diversion for the non-committed, non public assistance eligible child is a difficult one.

SHORT RANGE GOALS

Develop a state-wide program to provide for the development, maintenance, improvement or expansion of community based group boarding homes for children and youth, and other community based services for children and youth.

Provide care and shelter, evaluation, diagnosis, treatment and rehabilitation to the adjudicated delinquent, the pre-delinquent, emotionally disturbed, mildly retarded, the developmentally disabled, dependent-neglected children and youth, and other children and youth who may benefit from such care and services.

Encourage the development of local initiative in establishing and operating community based homes and services to meet the needs of children and youth in their respective communities.

Maintain minimum operational standards for such programs.

Review the experience of individual programs as they develop.

Foster progress of such homes and services to successively higher levels of quality in cooperation with Purchase of Service.

Design specialized community based pilot programs and services.

Provide for independent research and evaluation of all community based program and services efforts, being continued with OYD funds and with development of MIS, should have on-going evaluation of results of Phase II by March, 1976.

Dispense funds to local community based organizations to enable them to start and/or continue local programs and services.

LONG RANGE GOALS

Intensify and coordinate efforts by public agencies, in cooperation with voluntary agencies and organization, citizens groups, and concerned individuals, to:

preserve the unity of the family wherever and to the extent possible;

take such actions as may be necessary and feasible to prevent children and youth from becoming delinquent;

prevent, consistent with the protection of the public interest and safety, children and youth from suffering the consequences of criminal behavior by substituting therefor programs for their supervision, care and rehabilitation;

support the evolution and implementation of innovative, realistic methods of diverting children and youth from the juvenile system;

provide adequate financial assistance for imaginatively, knowledgeably, and practicably conceived and provided services and facilities for the rehabilitation of delinquent children and youth so that they may become and remain law-abiding, productive citizens.

collect and evaluate, and assist local communities to collect and evaluate, statistics, information and data relating to:

(a) The nature, extent, and causes of, and conditions contributing to, the delinquency of children;

(b) The existence and effectiveness of all such programs and the need for strengthening them or initiating new programs for such purposes;

adopt and implement the most effective means of making available to the public and to appropriate public and voluntary agencies and organizations throughout the State the information thus collected and evaluated;

encourage and assist in the development and conduct of innovative programs for the diversion of children from the juvenile justice system, to the extent that such diversion can be safely accomplished with due regard to the safety of the community and the well-being of the children involved, and for the provision to them of the care and services they need outside such system, to prevent children from becoming a part of or returning to such system;

exercise leadership on behalf of the State in the development of written instructional, informational, and standard-setting materials relating to such programs and provide consultative services to other State agencies and to other public and voluntary agencies and organizations with respect thereto;

enlist the participation of citizens organizations, individual citizens, and representatives of State and local private and public agencies in the planning and development equally throughout the State of efficient, effective programs;

cooperate with and assist, within the scope of its functions and duties as provided by law, other public and voluntary agencies and organizations in the development and coordination of such programs;

Long Range Goals

promote and assist, to the maximum extent possible, in the development, expansion and operation of such programs as are community based;

serve in a general consultative capacity to local communities and regions and develop materials and standards concerning the social well-being of children and youth within the state, and to encourage wherever possible the care of children in their own homes;

assist local communities in making surveys of conditions affecting the social well-being of children and youth;

Cooperate with the federal government in carrying out the purposes of any federal acts pertaining to services to children and youth, including those related to the prevention and treatment of juvenile delinquency, and in other matters of mutual concern; and

perform such other duties as may be authorized or required by law or as may be designated by the secretary of social and rehabilitation services.

PROGRESSIVE STEPS

a. A CALL FOR HELP

b. SUPPORT IN HIS FAMILY

c. IF NEEDED, FOSTER OR BOARDING CARE, OUT-PATIENT CARE

d. IF NEEDED, SMALL GROUP HOME SHELTERED LIVING

e. IF NECESSARY, INSTITUTIONALIZATION

f. AFTER BEHAVIOR IS STABILIZED, RETURN BY THE SAME ROUTE

k. INDEPENDENCE

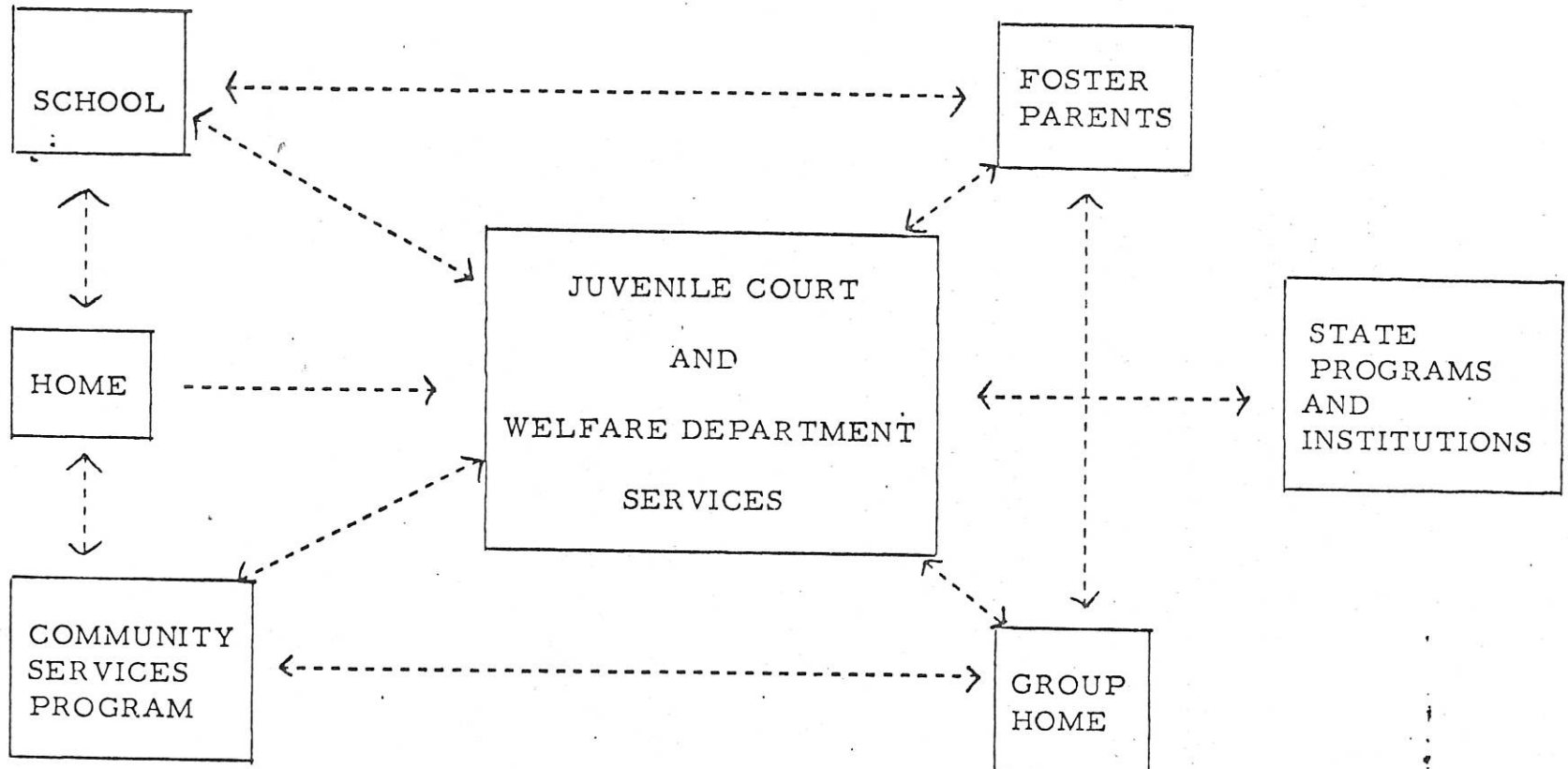
j. SUPPORT

i. OUT-PATIENT CARE

h. SHELTERED LIVING

g. INSTITUTIONALIZATION

A CONTINUUM OF CARE



The attached grant solicitation announcement which was distributed to 105 Juvenile Judges, mental health centers, various religious organizations, justice planners, service extension and community development specialists, regional planning offices and others who requested information regarding 577 states in part," Priority funding will be given to those projects meeting the statewide objectives of decreasing the incidence of delinquent behavior and the institutionalization of youth who could be served in their home community through the use of community based facilities."

A combination of the programs described here and the activities in protective services makes us optimistic that indeed the status offenders could be placed in other than detention and jail with continued funding of community based and diversionary projects.

GRANT SOLICITATION ANNOUNCEMENT

The Department of Social and Rehabilitation Services will start soliciting grants during July for the 1976 fiscal year, Senate Bill 577 programs.

The purpose of Senate Bill 577 (1973 Session) is to aid in the development, maintenance, improvement or expansion of community based group boarding homes for children and youth, and community based delinquency prevention services for children and youth in this state.

SCOPE OF PROGRAMS CONSIDERED

Coordinated Continuum of Services - The Department of Social and Rehabilitation Services is committed to the concept of community involvement in the development and delivery of services that insure meeting the needs of youth. In reducing unlawful behavior, it is imperative that programs which are offered in the community, work together cooperatively avoiding unnecessary duplication of services, while providing a wide scope of services. These services should include programs which promote socially acceptable behavior or alternatives for unlawful behavior (youth development), detection of problems as early as possible (prevention), and responding to youth in trouble (remedial treatment).

Provide Increased Access to Desirable Social Roles - Youngsters accept socially acceptable roles as seen through their own eyes, their peers, and community adults, when they sense early that they have access to such roles, and that such roles are worthwhile to them. Therefore, they work towards those roles with behaviors which assure positive goal attainment. On the other hand, youth who experience, or perceive blocking of access to desirable roles, tend to develop delinquent behavior patterns.

Prevent Premature or Otherwise Inappropriate Negative Labeling - Many social institutions in attempting to provide services to youth in need, may unintentionally through their labeling or classification process, block access to desirable social roles. Considerable research and practical experience show that labels like "delinquent", "emotionally disturbed", or "problem child", deny a youth access to important roles in his life. The consequences of these efforts to classify, and therefore, provide better services for youth, frequently leads to the unintended consequence of the self-fulfilling prophecy of failure. Social institutions may block youth from obtaining the benefits that they wished to offer.

Reduction of Alienation - Some youth when negatively labeled and denied access to acceptable roles may act out their delinquent impulses due to certain psychological processes: alienation, mutual rejection and estrangement, or moral disgust and attribution of blame to unfair or arbitrary operation of a social institution. Alienation feeds back upon failure and labeling, accentuating and compounding these experiences for the individual through time. Thus, alienation is perceived as providing a sanction, tacit encouragement, justification, or rationalization, which provides permission for unlawful behavior.

ADMINISTRATIVE CONSIDERATIONS

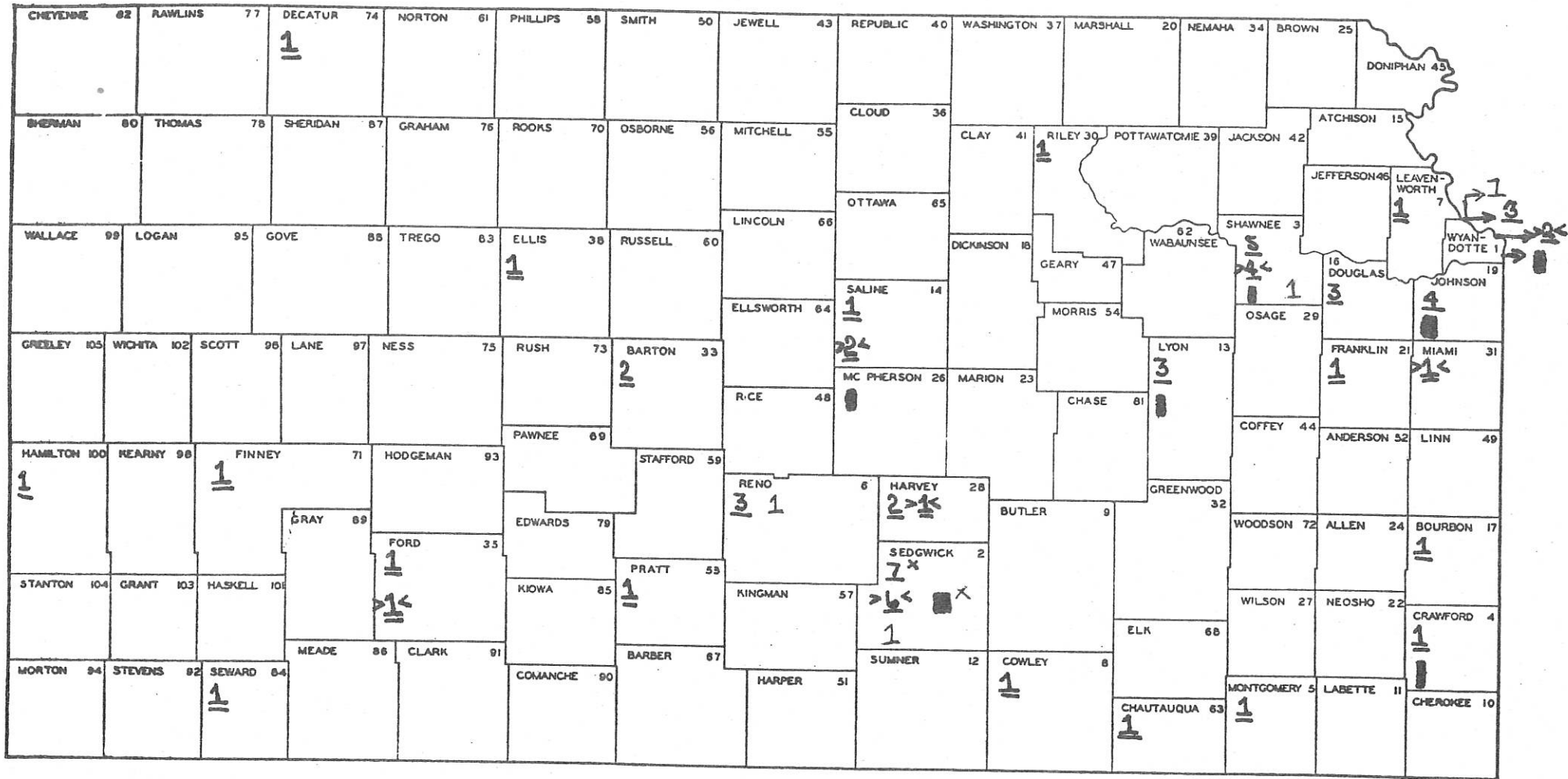
Priority in funding will be given to those projects having high priority with local district SRS offices, and meeting the statewide objectives of reducing the incidence of delinquent behavior and the institutionalization of youth, who could readily be served in their home communities through the use of community based

facilities. Highest priority will be given to proposals, which can demonstrate continued financial operation after a "seed grant" expires. Due to the relative scarcity of funding, projects which have alternative sources of "seed money" available through their primary program areas, will receive lower priority than projects which have no alternative funding sources available to them.

Projects which can demonstrate specific, direct, immediate, causal relationships between the proposed service, and the reduction of delinquent behavior, (as indicated through juvenile court involvement, detention, and institutionalization) will receive priority over projects which only speculate of general indirect relationships between a service activity, and reduction in incidence of delinquent behavior.

In summary, we are interested in funding proposals which focus on a specific community problem related to youth development. These proposals should include measurable outcomes, which relate to the development of a coordinated continuum of service, increase access to socially acceptable roles, prevent negative labeling, and reduce alienation.

The average Senate Bill 577 project has been funded for approximately \$12,500 during the last two years, with approximately 15 projects being funded annually. Projects are usually funded for one year. The priority in which local projects will be funded is determined by the local district SRS office. Grant applications can be obtained at the local SRS office.



- 48 Group Boarding Homes (461 served)
- < 17 Residential Centers (763 served)
- 8 Detention Locations (221 served)
(Sedgwick only Co. with 2 Locations the rest have 1)
- 4 Emergency Facilities ⇒ 9pp. 20 served at this
- 8 served (Reno & Sedg. facilities) (Sh. & W. Foster families)

- x 1 temporarily closed (8 served)
- x 1 not open yet (35 served)

RENEWAL PLAN #1
1974-1975 FUNDING
BY COUNTY

CHEYENNE 82	RAWLINS 77	DECATUR 74	NORTON 61	PHILLIPS 58	SMITH 50	JEWELL 43	REPUBLIC 40	WASHINGTON 37	MARSHALL 20	NEMAHA 34	BROWN 25	DONIPHAN 43		
SHERMAN 80	THOMAS 78	SHERIDAN 87	GRAHAM 76	ROOKS 70	OSBORNE 56	MITCHELL 55	CLOUD 36	CLAY 41	RILEY 30	POTTAWATOMIE 39	JACKSON 42	ATCHISON 15		
WALLACE 99	LOGAN 95	GOVE 88	TREGO 83	ELLIS 38	RUSSELL 60	LINCOLN 66	OTTAWA 65	DICKINSON 18	GEARY 47	WABAUNSEE 62	SHAWNEE 3	JEFFERSON 46	LEAVENWORTH 7	WYANDOTTE 1
GREELEY 105	WICHITA 102	SCOTT 98	LANE 97	NESS 75	RUSH 73	BARTON 33	ELLSWORTH 64	SALINE 14	MORRIS 54	OSAGE 29	DOUGLAS 16	JOHNSON 19	MIAMI 31	
HAMILTON 100	KEARNY 98	FINNEY 71	HODGEMAN 93	PAWNEE 69	STAFFORD 59	RICE 48	MC PHERSON 26	MARION 23	CHASE 81	LYON 13	COFFEY 44	ANDERSON 52	LINN 49	
STANTON 104	GRANT 103	HASKELL 101	GRAY 89	FORD 35	EDWARDS 79	RENO 6	HARVEY 28	BUTLER 9	GREENWOOD 32	WOODSON 72	ALLEN 24	BOURBON 17		
MORTON 94	STEVENS 92	SEWARD 84	MEADE 86	CLARK 91	KIOWA 85	PRATT 53	KINGMAN 57	SEDGWICK 2	WILSON 27	NEOSHO 22	ELK 68	CRAWFORD 4		
					COMANCHE 90	BARBER 87	HARPER 51	SUMNER 12	COWLEY 8	CHAUTAQUA 63	MONTGOMERY 5	LABETTE 11	CHEROKEE 10	

- Total funded in 1974-1975
- * 1 agency received a grant in 1974 and a renewal in 1975
- ✓ 2 agencies received grants in 1974 and a renewal in 1975

Attachment III
SRS 10/16/75

Report From Other States

1. Seems impossible to meet 2 year deadline -- past experience with Federal government indicates that if good faith effort is made and state can demonstrate movement toward issues, there will be no penalty.
2. Status offenders are currently being housed in detention and/or jails. Felt even though State could probably not meet 2 year deadline that these dollars would facilitate process.
3. JJDPA used vehicle for addressing problem of status offenders and calling attention to trend to deinstitutionalize status offender.
4. Changes in Juvenile Code only legislative changes necessary.
5. Plan requirements for FY 76 funding seem more rigid than plan requirements for FY 75. Many states submitted assurances and supplement to SPA plan already developed.

Milt Luger

Arguments for abolishing status offenses in JJ system.

1. Limited resources - (why use on children who have not committed a crime)
2. Stigmatizing - mixing of status offenders with delinquent children.
3. Status offending behavior is really adolescent behavior and children will probably grow out of it - it is not necessarily a precursor to delinquent behavior.
4. Informal procedures jeopardize rights of child.
5. Coercion does not work with status offenders.
6. Status offenders may spend more time in detention or youth centers than delinquent children.
7. Other agencies will continue to walk away from problem as long as they can dump it on court.
8. Youth centers really not treatment centers -- oriented to confine, contain and control.
9. Adversary relationship in court -- often becomes parent vs child.
10. Legal -- juvenile codes often vague, i.e., incorrigible - not clear what that means.
11. Institutionalization is too expensive.
12. Should raise tolerance level for some adolescent behavior.

Arguments for retention of Status Offenders in Juvenile Justice System.

1. Cannot be left to systems that have already rejected them.
2. Rights of youngsters can be overlooked.
3. Status offenses are not just normal adolescent acting out.
4. Courts can mandate - need the clout of the court to initiate action.
5. There are some behaviors that cannot be approached on voluntary basis.
6. Alternatives will not be developed if we close these youngsters out of JJ system.
7. Intake criteria of some voluntary agencies discriminatory. Youngsters not wanted can be screened out.

Recommendations

1. Community based care.
2. Experiment with no status offenders going to Juvenile Court.
(Challenge other institutions to handle problem)
3. Family in need of supervision.
(Entire family subject to court order)
4. Leave adjudication with judges.
5. Leave placement with state agencies.
6. Ombudsman system - "Someone to look over shoulder of agency responsible for placement and payment".

Attachment V
10/16/75

Bill G. Honeyman, J.D.

Topeka, Kansas
66603

JUDGE, JUVENILE COURT

SHAWNEE COUNTY COURTHOUSE

AREA CODE 913/357-1241 ext. 455

Hearing Officer (Detention, Traffic)
Chief Clerk

GENE M. ANDREWS

Secretary

SHERRI MEYERS, CSR

To: Special Interim Committee on Juvenile Matters

There is a lot of interest in, confusion about, and difficulty being experienced in dealing with "status offenders" in this State and throughout the Nation. The offense is termed "wayward" in Kansas. In other words, such offenders may be ungovernable, incorrigible, persons in need of supervision (PINS), or children in need of supervision (CHINS), in other states. It is undoubtedly the most common single offense being brought in the juvenile system in Shawnee County and elsewhere. In Shawnee County alone, six or seven hundred such cases are referred to Juvenile Court. The average age of the offender is 15½ years. The statute K.S.A. 38-802 (d), which is couched in broad language; such as, "whose behavior is injurious to his welfare", gives the youth or the public no clear definition of the action proscribed by law.

Frankly, these cases should be handled in the home with supportive services provided by community resources. Such cases frequently are replete with a wide range of family problems, i.e., breakdown of effective communication, lack of parental control and supervision, physical, mental, and emotional abuse and neglect, sibling rivalry, learning disabilities, including the minimal brain disfunction, low self-esteem, and emotional disturbances due to trauma or hostility between parents, etc.

In view of the limited resources available to the Juvenile Court, such offenders should not be referred to the Court except possibly when the parents refuse or are unable to assume and exercise their responsibility. In that event, the offense may be better categorized as a "deprived and neglected" child. These types of cases come to Juvenile Court during or following a crises which may necessitate a temporary placement outside the home. Such children are not easily placed due to lack of appropriate facilities and the tendency of most foster and group homes to reject older teenagers, particularly those who are aggressive or prone to run away. The only alternative is placement in structured settings which, more often than not, are being operated at

capacity these days, and placement in such settings usually means housing wayward children with aggressive, emotionally disturbed children and delinquents. This frequently results in the wayward child moving up to the delinquent category by example, label, and association.

The writer is convinced that if community resources are not developed to effectively resolve the problems, many of these children will be referred to the Court again and again for more serious antisocial or criminal behavior.

This is to advise you that this Court receives 60 to 80 truancy referrals per month, the vast majority of which are brought to the attention of Court Intake Officers who counsel with the child involved, his parents, and school authorities. The parochial schools, within School District No. 501, have made no referrals for truancy to my knowledge within the last full school year. It is believed that parochial schools have no serious truancy problems. Shawnee Heights, Washburn Rural, and Seaman High Schools make very few truancy referrals to the Court. Only a few of the total referrals result in formal petitions being filed with the Court, and these are usually aggravated cases. Truancy, like the wayward offenses, often involves the full range of family problems described above.

Truancies should not be Court matters and, ideally, should be handled in the family and in the school with support from community resources. More emphasis should be placed on special education, psychological testing at earlier ages, vocational training programs for those who are not academically inclined should be substantially expanded. Alternative schools with combined academic classes and vocational or on-the-job training should be an essential component of the State education system.

Maybe the State should not make academic education compulsory up to the age of 16 for all children. Far too many 15 and 16 year old children referred to this Court are unable to read or write above 4th or 5th grade level. Few human beings can stand failure in such a competitive situation with no chance or hope of success!

The communication between School District No. 501 (Pupil Accounting), the Court and its staff has been, and continues to be, excellent. Both agencies are making every effort to resolve the problems in the area.

In all candor, there may be too much emphasis placed on civil and individual rights in school settings versus civil responsibility to the group and community. Many child care-workers, probation officers, and teachers under 30 years of age relate to, and identify with, their teenage wards, clients, and pupils too readily making it difficult for them to obtain the proper perspective to establish and maintain discipline.

Kansas is one among a minute minority of States which distinguishes between a "delinquent" and "miscreant" offense. While delinquency as now

defined by the Juvenile Code is more serious, there is little need for such a distinction dispositionwise. Statutory authority for finding a youth to be a miscreant child after three wayward adjudications, or delinquent after three miscreant adjudications, is unjustified, unwarranted, and unique to only a few States. These escalation provisions should be eliminated. One problem that the Court may be confronted with is the troubled youth who is desperately in need of a structured setting such as the Youth Center at Topeka and Beloit who simply cannot be committed without a finding of miscreancy or delinquency. Maybe this is the way it should be, but on some occasions such a situation is almost like telling a child and his parents "crying out for help" that you can do nothing really effective until or unless a more serious offense is committed.

The trial de novo on appeals from Municipal, Juvenile, and County Courts in this State was provided for a reason which no longer exists and should be deleted. If such an appeal was intended to right a deficiency, a wrong suffered as a result of the first trial, a trial de novo on appeal is much like "locking the barn door after the horse is stolen." If it is true that "justice delayed is justice denied", an appeal de novo is a poor substitute for an industrious competent judge whose proceeding and decision has been recorded verbatim. A trial de novo on appeal, especially from judgment in those counties where the Juvenile Judge must have the same qualifications as a District Judge, i.e., "five years active practice", is simply unwarranted.

The trial on appeal de novo is seldom the same case adduced before the Juvenile Judge and affords little or no weight to the prior decision of the Juvenile Judge. Such procedure places an undue burden on the State and its witnesses, some of whom are not available or willing a second time around.

Transcripts of the trial had before the Juvenile Judge will avoid frivolous appeals, preserve evidence painstakingly adduced, save District Judge's time on appeal, conserve human resources expended by the rigors of a second trial, and avoid delays necessitated by a second trial.

Let's assume for argument that Magistrate, Juvenile, and Probate Judges are reclassified by statute as Associate District Judges with jurisdiction extended to all but a few extra-legal remedies. Would an appeal from a juvenile case then be appealed to an Intermediate Appellate Court de novo? Neither due process nor common sense suggests, let alone dictates, such procedure. Is it fair to assume that matters over which the District Court has jurisdiction are more important and complex than matters involving our children and their families? Most proceedings in our District Court are recorded, even please in criminal cases, yet no such machinery is provided in Juvenile Court. Are our young, their families and those related to and touched by them relegated by something less than the modern judicial machinery provided in the District Court? Yes! But hopefully not much longer if truly caring responsible people and legislators can see their way clear to rectify this unjust and archaic procedure.

How can it be fairly said that "a youth, 14 years old, adjudicated and declared a delinquent, committed to the Secretary of SRS or a State facility such as BIS or GIS until discharged by law without a transcript of such proceedings, has been afforded due process or fair play?" Can any appeal from such a decision be effective without a transcript and the preservation of evidence? Clearly not! Such recordings are essential to meet the due process and equal protection clauses of the Constitution once a State has given the citizen a right to appeal. Is there less importance given to such a case simply because the citizen tried before the Bench was a mere 14-year-old youth versus a 24-year-old adult? Why? Is not the deprivation of liberty a right valued by youth and adults alike? Credible studies disclose that juveniles are incarcerated for longer periods of time than adults for comparable offenses, and some juveniles are incarcerated for offenses which draw only fines in adult cases.

Do reasonable people honestly believe that our youth learn more from rhetoric than by example...such as, "Do as I say and not as I do"? No way! Unless and until the State has provided the Juvenile Courts with the resources and facilities necessary to deal with 16 and 17 year old offenders who have committed heinous crimes, i.e., homicide, aggravated rape, robbery, battery; arson, etc., the Juvenile Court's jurisdiction should be limited to youth under 16 or at least under 17. That is not to say that such jurisdiction limits and solves the problem facing most Juvenile Judges throughout the land, because the net effect would be transferring the problem to the adult criminal courts which must also be provided with such resources and facilities. Most young people 16 and 17 years of age are, or should be, held responsible for their actions, omissions, and wrong doings. To contend otherwise would be a strong argument for not extending to them the privilege of, and the responsibility of, driving an automobile on our streets and highways.

All metropolitan counties, i.e., "Johnson, Wyandotte, Sedgwick, and Shawnee" should be treated alike statutorily in lieu of special statutes for each Juvenile Court in said counties. K.S.A. 38-804, et seq., disclose unwarranted inequities which should be rectified. The case load in each of the counties justifies the creation of a second division and possibly a third division in one county versus the use of a permanent Juvenile Judge Pro Tem. The detention hearing mandated by statute has made still another demand for the time of the Juvenile Judge and serious due process issues may well be raised if the Juvenile Judge who holds "probable cause" detention hearings is the same judge conducting the adjudicatory hearing or trial. Current standards show each of the judges in these four counties are trying to process far more cases than they can effectively.

K.S.A. 38-805 (b) and (c) should be expanded to prohibit the copying, distribution, and communication of juvenile records and information by any private, charitable, county, or State agency or facility which receives the same in the course of its detention holding, evaluating, treating, caring for, or correcting children referred to them by the jurisdiction of the Juvenile Courts.

The prosecuting attorneys may well be given the discretion of filing a complaint or petition in the adult criminal court or Juvenile Court in cases involving offenses such as aggravated rape, robbery, battery, arson, and homicide provided the youth is 16 or older. Unrestricted discretion in all cases irregardless of age is unwarranted and is subject to abuse and legal challenge.

The following language in K.S.A. 38-810 should be rearranged, "...shall be served by a probation officer of the court, or by the sheriff of any county in the state," to read "...shall be served by the sheriff of any county in the state or any person appointed by the court."

Does the following language in K.S.A. 38-815 (a) include SRS: "The costs of such guardian ad litem may be assessed to the parent, guardian or such other person having legal custody of the child as part of the costs of the case as provided in subsection (f) of K.S.A. 38-817, as amended." (See same language in (b).)

County and district attorneys should be authorized and directed to provide a sufficient number of prosecutors and secretarial staff to prepare, file and prosecute all juvenile cases without limitation relative to county population.

The county and district attorneys should make any preliminary inquiries required pursuant to K.S.A. 38-816 (b) not the judge or probation staff.

Statutory mandates for a hearing within 14 days after filing and a disposition within 30 days after an adjudication moves the cases through the judicial system and that is fine, so far as it goes! A mandate that each youth shall be appropriately placed and accepted by some State facility or agency under contract to the State to render the service within ten (10) to twenty (20) days would move the youth along and relieve his/her anxieties, fears, and apprehensions.

Who pays for the child's support, maintenance, medical expense, etc., when a child is committed pursuant to K.S.A. 38-824 (b) (2) and (3) on (c) (1) and (2)? Who pays where Juvenile Court causes a child to be placed in a private hospital under the care of a competent physician pursuant to K.S.A. 38-824 (e)? Who pays for placements made pursuant to K.S.A. 38-826 (a) (2), (3) and (4)? SRS, if the child is eligible, or the county? (K.S.A. 38-827)

Statutory language in K.S.A. 38-826 (d) which appears to authorize the Secretary of SRS to place a child committed to him/her to place such child in any institution operated by the Director of Mental Health and Retardation Services...or county detention home is much too broad and would appear to authorize the Secretary to place such a child in BIS/GIS or a mental hospital. Such apparent authority is subject to abuse and due process challenges since even the Juvenile Court is limited to BIS/GIS commitment after an adjudication for a delinquent or miscreant offense and to mental evaluation versus mental hospital commitments for treatment.

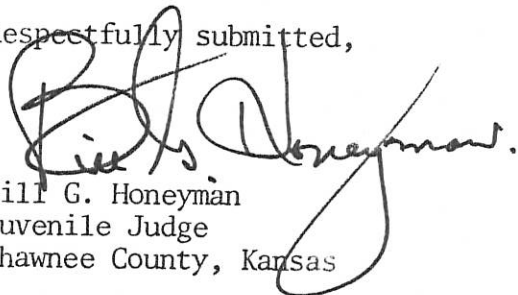
Section (e) of K.S.A. 38-826 erroneously uses the term "jurisdiction" as that retained by the Secretary of SRS after a child is placed by the Secretary pursuant to (d). A more appropriate term (possibly "legal custody") should be substituted for "jurisdiction."

SRS should be added to line 5, following "children's aid society" in K.S.A. 38-829.

Does "person" mentioned in K.S.A. 38-830 include SRS, its Secretary or any employee of SRS?

Other comments and pleas have been made orally to the committee on previous occasions afforded the undersigned.

Respectfully submitted,



Bill G. Honeyman
Juvenile Judge
Shawnee County, Kansas

Attachment
10/16/75

WORKING DRAFT NO. 1

PROPOSED BILL NO. _____

By Special Committee on Juvenile Matters

AN ACT

Be it enacted by the Legislature of the State of Kansas:

Section 1. K. S. A. 1975 Supp. 38-802 is hereby amended to read as follows: 38-802. As used in this act, unless the context otherwise indicates:

(a) "Children's aid society" means any organization having among its objectives the care, control or protection of ~~dependent and neglected or~~ children who are deprived, delinquent children, miscreant, wayward or truant.

(b) "Delinquent child" means a child less than eighteen (18) years of age ~~+~~ ~~(+)~~ who does an act, ~~other than one defined in subsection (e) of this section,~~ which, if done by a person eighteen (18) years of age or over, would make ~~him~~ such person liable to be arrested and prosecuted for the commission of a felony as defined by K. S. A. 21-3105 ~~+~~ ~~or~~

~~(2) who has been adjudged a miscreant child under this act three (3) or more times.~~

(c) "Miscreant child" means a child less than eighteen (18) years of age:

(1) Who does an act, other than ~~one defined in subsection (e) of this section~~ a traffic offense, which, if done by a person eighteen (18) years of age or over, would make ~~him~~ such person

liable to be arrested and prosecuted for the commission of a misdemeanor as defined by K. S. A. 21-3105;

(2) who does an act, other than ~~one defined in subsection (e) of this section~~ a traffic offense, which, if done by a person eighteen (18) years of age or over, would make ~~him~~ such person liable to be arrested and prosecuted for the violation of any ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township, or other political subdivision of this state; or

~~(3) who does an act, other than one defined in subsection (e) of this section, the commission of which by persons under the age of eighteen (18) years, is specifically prohibited and made unlawful by state law, city ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township or other political subdivision of this state;~~

~~(4) who has been adjudged a wayward child under this act three (3) or more times; or~~

~~(5)~~ (3) who escapes from or runs away from any juvenile detention home or farm or other juvenile center after placement therein by an order of a juvenile court.

(d) "Wayward child" means a child less than eighteen (18) years of age:

(1) Whose behavior is injurious to his or her welfare;

(2) who has deserted his or her home without good or sufficient cause; or

(3) who is habitually disobedient to the reasonable and lawful commands of his or her parent, guardian, or other lawful custodian[; or]

(4) who does an act, other than a traffic offense, the commission of which by persons under the age of eighteen (18) years is specifically prohibited and made unlawful by state law, city ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township or other political subdivision of this state] [; and]

(5) in any of the foregoing, who is in need of treatment or

rehabilitation].

(e) "Traffic offender offense" means ~~a child under sixteen (16) years of age who does an act which, if done by a person sixteen (16) years of age or over, would make him or her liable to be arrested and prosecuted for~~ the violation of:

(1) Any statute relating to the regulation of traffic on the roads, highways or streets, or the operation of self-propelled or nonself-propelled vehicles of any kind, except violations under K. S. A. 21-3405 and K. S. A., 8-287, 8-1566, 8-1567 and 8-1568; or

(2) any ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township or other political subdivision of this state which relates to the regulation of traffic on the roads, highways or streets, or the operation of self-propelled or nonself-propelled vehicles of any kind.

(f) "Truant child" means a child who, being by law required to attend school, absents himself or herself therefrom to the extent of being a truant under the provisions of K. S. A. 1975 Supp. 72-1113, ~~and any amendments thereto.~~

~~(g) -- "Dependent and neglected child" means a child less than eighteen (18) years of age;~~

~~(1) -- whose parent neglects or refuses, when able so to do, to provide proper or necessary support and education required by law, or other care necessary for his or her well-being;~~

~~(2) -- who is abandoned or mistreated by his or her parent, stepparent, foster parent, guardian, or other lawful custodian;~~

~~(3) -- whose occupation, environment or association is injurious to his or her welfare;~~

~~(4) -- who is otherwise without proper care, custody or support of;~~ or

~~(5) -- who, by reason of the neglect of his or her parent to provide him or her with proper or necessary support, education or care, is in the custody of a children's aid society or is being supported by the county or state; except that a child shall not~~

~~be-classed-as-a-"dependent-and-neglected-child"-under-this-sub-section-solely-because-of-the-fact-that-he-the-child-or-his-or-her-parent,-or-both,-receive-assistance-under-the-social-welfare-acts-or-otherwise-receive-support-from-public-funds.~~

[(g) "Deprived child" means a child less than eighteen (18) years of age:

(1) Who is without proper parental care or control, subsistence, education as required by law or other care or control necessary for such child's physical, mental or emotional health or morals, and the deprivation is not due to the lack of financial means of such child's parents, guardian or other custodians;

(2) who has been placed for care or adoption in violation of law;

(3) who has been abandoned or mistreated by his or her parents, guardian or other custodian; or

(4) who is without a parent, guardian or legal custodian.]

[(g) "Deprived child" means a child less than eighteen (18) years of age:

(1) Who is without proper parental care and control necessary for such child's well-being because of the faults or habits of such child's parents, guardian or other custodian or their neglect or refusal, when able to do so, to provide them;

(2) who has been placed for care or adoption in violation of law;

(3) who has been abandoned or physically or mentally abused by his or her parent, guardian or other custodian;

(4) whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child; or

(5) who is without a parent, guardian or legal custodian;
and

(6) in any of the foregoing, who is in need of care or supervision.]

(h) "Parent" or "parents," when used in relation to a child or children, include guardian, conservator and every person who is by law liable to maintain, care for or support a child.

(i) "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of a court.

(j) "Commit" means transfer legal and physical custody.

(k) "Legal custody" means the right to have physical custody of a child and to determine where and with whom such child shall live and the right and duty to provide food, clothing, shelter, ordinary medical care, education and discipline and, in an emergency, to authorize surgery or other extraordinary care. Legal custody may be taken from a parent only by court order.

(l) "Place" means transfer physical custody.

Sec. 2. K. S. A. 38-805 is hereby amended to read as follows: 38-805. (a) The record in the juvenile court shall consist of the petition, process and the service thereof, orders and writs, and such documents shall be recorded in books kept by the juvenile court for such purpose.

~~(b) The official records of the juvenile court shall be open to inspection only by consent of the juvenile court judge, or upon order of a judge of the district court, or upon order of the supreme court.~~

~~(c)~~ (b) All records, files or other information maintained, obtained and records or prepared by the juvenile court or any employee of the juvenile court thereof in connection with a proceeding under the Kansas juvenile code shall be privileged, and shall not be disclosed, directly or indirectly, or open to investigation by anyone other than except:

(1) The juvenile court judge or others entitled under this act to receive such information, unless and until otherwise ordered by such judge, officers and professional staff of the juvenile court;

(2) the parties to the proceeding and their counsel;

(3) a public or private agency or institution providing supervision or having custody of the child under order of a court;

(4) a court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant prior thereto had been a party to the proceeding in juvenile court; or

(5) upon order of the juvenile court, district court or supreme court, made only on motion for good cause shown and subject to such terms and conditions as the court deems proper.

Sec. 3. K. S. A. 1975 Supp. 38-806 is hereby amended to read as follows: 38-806. (a) Except as provided in K. S. A. 21-3611 and subsection (b) of K. S. A. 1975 Supp. 38-808 ~~(b)~~ and unless jurisdiction is by statute specifically conferred upon some other court or courts, the juvenile court of each county of this state shall have:

(1) Exclusive original jurisdiction in proceedings concerning the person of a child living or found within the county who appears to be delinquent, miscreant, wayward, ~~a traffic offender,~~ a truant or ~~dependent and neglected, as defined in K. S. A. 1975 Supp. 38-802, as amended~~ deprived.

(2) Such jurisdiction over other persons as provided by law.

(b) When jurisdiction has been acquired by the juvenile court over the person of a ~~dependent and neglected~~ deprived child, it may continue until the child has attained the age of twenty-one (21) years, and when the juvenile court has not by order retained jurisdiction, it may be reasserted at any time prior to age twenty-one (21) if such child has not been adopted or placed for the period of ~~his or her~~ such child's minority with a children's aid society or with a public or private institution used as a home or place of detention or correction.

(c) When any child is charged with having committed an act ~~of delinquency before reaching the age of eighteen (18) years, is brought before the judge of the juvenile court after reaching said age~~ which would make such child liable to be declared delinquent, miscreant, wayward or truant, the jurisdiction of ~~said~~ the

juvenile court over such ~~person~~ child for any such act shall not expire on account of the child arriving at the age of eighteen (18) years, but ~~the-said-person~~ such child shall continue under the jurisdiction of said court for such act until ~~he-or-she~~ such child is finally discharged by the juvenile court or has reached the age of twenty-one (21) years.

Sec. 4. K. S. A. 38-807 is hereby amended to read as follows: 38-807. ~~Where~~ When any person applies to any court having jurisdiction for a writ of habeas corpus or other writ or order for the production of a child, and the court finds that such person has abandoned or deserted the child, or that ~~he~~ such person is not a fit and proper person to have ~~the~~ legal custody of the child, the court may refuse to issue the writ or make the order. If the court shall determine that no person claiming ~~the~~ legal custody of a child is a fit and proper person to have such custody, it may order said child delivered to ~~the-custody-of~~ the juvenile court and order the county or district attorney to cause proper proceedings to be instituted to determine whether said child is ~~dependent-and-neglected~~ deprived.

Sec. 5. K. S. A. 38-809 is hereby amended to read as follows: 38-809. The juvenile court, in addition to its general jurisdiction, shall have the power to:

(a) Compel the attendance of witnesses, to examine them on oath, and to preserve order during proceedings before such court.

(b) Issue subpoenas, citations, warrants, executions, and attachments, ~~to~~ and make orders and render judgments and decrees, and ~~to~~ enforce them by any process or procedure appropriate for that purpose.

(c) Issue commissions to take depositions ~~of~~ witnesses, either within or without the state, in any matter pending before it. ~~Provided,~~ except that, in any contested matter, notice of the taking of depositions shall be given as provided by law.

(d) Continue or adjourn any hearing from time to time, but ~~when-objection-is-made-the~~ any continuance or adjournment shall be only for good cause and until a time certain.

(e) Correct and amend its records to ~~make--them--speak~~ reflect the truth.

(f) Vacate or modify any of its orders, judgments or decrees when such is deemed to be in the best interest of the child.

(g) Fine or imprison for contempts of court in the same manner and to the same extent as district courts of this state, except that, in cases of indirect contempts, the judge of ~~such~~ the juvenile court shall assign an attorney to any person so charged who may be unable to employ counsel and may award a reasonable fee to said counsel to be paid from the general fund of the county.

(h) Exercise such other powers as are conferred by law.

Sec. 6. K. S. A. 38-810 is hereby amended to read as follows: 38-810. (a) As directed by the judge of the juvenile court, summons, writs or other process of the juvenile court shall be served by a probation officer of the court, or by the sheriff of any county in the state, or by any person appointed by the court for such purpose. Due return thereof to the court issuing same shall be made by the officer or person to whom it is delivered for service. In all cases, the return must state the time and manner of service.

(b) Except as otherwise provided in subsection (c) of this section, all summonses to appear in the juvenile court, under any section of this act requiring same to be served as provided in this section, shall be served: (1) By delivering a copy of the summons to the person named therein personally; or (2) if such personal service cannot be made, by leaving one at ~~his~~ such person's usual place of residence at least forty-eight (48) hours before the time set in the summons for his appearance at the juvenile court hearing. Due return of service made under this subsection shall be made as provided in subsection (a) of this section. ~~Provided, That,~~ In the event of a rehearing of ~~such a~~ matter, notice may be waived.

(c) When a parent of a ~~dependent--and--neglected~~ deprived

child may be deprived of his or her parental rights and when, upon proper affidavit of the officer or person making the return, the judge of the juvenile court is satisfied that it is impossible to serve the summons upon such parent pursuant to subsections (a) and (b) of this section, ~~he~~ such judge may order service made by publication once a week for two (2) consecutive weeks in some newspaper of the county authorized to publish legal notices. Said publications shall state the court in which the petition is filed, the nature of the proceedings and that such parent may be deprived of his or her parental rights, ~~and~~. Such publication shall also state the names of the persons sought to be served, if known, and, if unknown, shall describe them as unknown, and shall contain notice of the time and place of the hearing, and to there show cause, if any there be, why the judgment, the nature of which shall be stated, should not be rendered accordingly.

Sec. 7. K. S. A. 38-811 is hereby amended to read as follows: 38-811. (a) Venue of any case involving a ~~dependent--and neglected~~ deprived child shall be in the county of such child's residence or in the county where he or she may be found.

(b) Venue ~~of~~ for adjudicatory proceedings in any case involving a child alleged to be a delinquent child, a miscreant child, a wayward child, a traffic offender or a truant shall be in ~~any~~ the county where ~~an the~~ the alleged ~~act of delinquency is~~ offense was committed or in the county of ~~his~~ such child's residence.

(c) Venue for dispositional proceedings in any case involving a child alleged to be delinquent, miscreant, wayward or truant shall be in the county of such child's residence or, if such child is not a resident of this state, in the county where the alleged offense was committed. Venue in cases involving prosecution of persons charged under ~~section 30 of this act~~ K. S. A. 38-830 shall be in the county where the alleged offense ~~has been~~ was committed.

Sec. 8. K. S. A. 38-812 is hereby amended to read as fol-

lows: 38-812. (a) Before adjudication and upon application of any interested person, an order may be made by the juvenile court in which the original adjudicatory proceedings are pending may make an order transferring said proceedings to the court where the child is physically present or where the parent or parents reside before or after adjudication. The court to which such case is transferred shall accept the case. An interested person, within the meaning of this section, shall be any person who would be entitled to appeal from any order of the juvenile court made in such proceedings. Any judge transferring any case to another juvenile court shall transmit to said court a complete transcript thereof and, upon receipt of such transcript, said juvenile court shall assume jurisdiction as if such proceedings were originally filed in such court. In case said child is not present in the county to which such case is transferred such juvenile court shall return the case to the court where it originated.

(b) An interested person, within the meaning of this section, shall be any person who would be entitled to appeal from any order of the juvenile court made in the proceedings.

Sec. 9. K. S. A. 38-814 is hereby amended to read as follows: 38-814. The judge of the juvenile court may appoint one or more competent persons of good character to serve as juvenile probation officers during his the pleasure of the judge. No person so appointed shall serve as a peace officer at any time during such person's service as a juvenile probation officer. Unless otherwise specifically provided by statute, said probation officers shall receive as compensation, to be paid from the general fund of the county, a reasonable sum to be fixed by the juvenile court. In addition to their compensation, probation officers shall ~~receive mileage at the rate prescribed by law for each mile actually and necessarily traveled~~ be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223 and amendments thereto for actual and necessary travel expenses incurred in the performance of their duties, when such travel is authorized by the judge of the juvenile court. The probation

officers may be paid such other necessary traveling expenses as may be authorized by the judge of the juvenile court.

All probation officers shall furnish the court with any information that may be obtained and render any assistance requested by the juvenile court in any proceeding, which may be helpful to the court or the child. Under the direction of the court, a probation officer shall take ~~possession and custody~~ care and control of any child under the court's jurisdiction and make such arrangements for the temporary care of any child as directed by the court. Such probation officers shall do and perform such other duties in connection with the work of the juvenile court as may be directed by the court. A person may serve as probation officer of more than one juvenile court and receive compensation and traveling expenses from each of the counties wherein is located a juvenile court which ~~he shall serve~~ such person serves.

Sec. 10. K. S. A. 1975 Supp. 38-815 is hereby amended to read as follows: 38-815. (a) As used in this section, the term "peace officers" includes sheriffs and their deputies, marshals, members of the police force of cities, highway patrolmen, and other officers whose duty it is to enforce the law and preserve the public peace.

(b) Any peace officer, who has reason to believe upon observation or information that a child under the age of eighteen (18) years of age is a delinquent, miscreant, wayward or deprived child and by reason thereof is likely to do injury to himself or herself or others or is likely to be injured, if not taken into custody, may take such child into custody without a warrant or court order.

~~(b)~~ (c) Except in cases involving a traffic offense only, when any peace officer takes into custody a child under the age of eighteen (18) years, with or without a warrant or court order, such child shall not be taken before a municipal judge, district court judge or judge of any other court now or hereafter having jurisdiction of the offense charged, but shall be delivered into the eustody care and control of ~~the~~ a juvenile probation officer.

or be taken forthwith before the juvenile court; ~~and~~. It shall be the duty of such peace officer to furnish such juvenile court with all of the information in ~~his~~ such officer's possession pertaining to said child, its parents, guardian or other person interested in, or likely to be interested in, the child, and all other facts and circumstances which caused such child to be taken into custody.

~~(e)~~ (d) Except in cases involving a traffic offense only, if a child under the age of eighteen (18) years, ~~shall have been~~ is taken before a municipal judge, district court judge or judge of any other court, it shall be the duty of such judge to dismiss the charge or complaint and refer same to the juvenile court, and it shall be the duty of the officer having the child in charge to take such child before the juvenile court; ~~and~~. It shall be the duty of such judge or officer to deliver to said juvenile court all of the papers, documents, and other information in ~~his~~ the possession of such judge or officer pertaining to such child.

~~(d)~~ (e) If during the pendency of any action, charge or complaint against a person involving a public offense or quasi-public offense, other than a traffic offense, before a municipal judge, judge of the district court or judge of any other court, it ~~shall be~~ is ascertained that such person was under the age of eighteen (18) years at the time of committing the alleged offense, it shall be the duty of such judge to forthwith dismiss such action, charge or complaint, and refer same to the juvenile court, together with all the papers, documents, and testimony connected therewith; ~~Provided, No traffic offender action, charge or complaint against a child who has attained the age of sixteen (16) years shall be so dismissed and referred unless it shall be ascertained that he was under sixteen (16) years of age at the time of committing the alleged offense.~~ The officer of the court making said referral, having charge of ~~such~~ the child, shall forthwith take ~~him~~ such child to the place of detention designated by the juvenile court, or to that court itself, or shall ~~release~~ deliver such child to the ~~custody~~ care and control of a

~~duly-appointed~~ juvenile probation officer, or other person designated by the juvenile court, to be brought before the juvenile court at a time and place designated by the judge thereof. Thereupon, the juvenile court shall proceed as provided in subsection (d) of K. S. A. 38-816, as amended.

(e) Whenever a child under the age of eighteen (18) years is taken into custody by a peace officer and is thereafter taken before or referred to the juvenile court as required by this section, such child shall not remain in any detention or custody, other than the custody of the parent, guardian or other person having legal custody of the child, for more than forty-eight (48) hours, excluding Sundays and legal holidays, from the time the initial custody was imposed by a peace officer, unless a determination is made, within such forty-eight (48) hour period, as to the necessity for any further detention or custody in a detention hearing as provided ~~in section 4 of this act~~ K. S. A. 1975 Supp. 38-815b, as amended.

Sec. 11. K. S. A. 1975 Supp. 38-815a is hereby amended to read as follows: 38-815a. (a) Neither the fingerprints nor a photograph shall be taken of any child less than eighteen (18) years of age, taken into custody for any purposes, without the consent of the judge of the court having jurisdiction; and when the judge permits the fingerprinting of any such child, the prints shall be taken as a civilian and not as a criminal record.

(b) Except in the case of an offense for which jurisdiction of the juvenile court has been waived pursuant to K. S. A. 1975 Supp. 38-808, all records and files in this state concerning a ~~public~~ an offense committed or alleged to have been committed by a child less than eighteen (18) years of age, shall be kept separate from criminal or other records, and shall not be disclosed, directly or indirectly, or open to inspection by anyone other than the judge, officers and professional staff of the juvenile court, except by order of the juvenile court, district court or supreme court. Such order shall be made only on motion for good cause shown and may be subject to such terms and conditions as

the court deems proper.

(c) It shall be the duty of any peace officer, judge or other ~~similar~~ public officer, making or causing to be made any such record or file concerning an offense committed or alleged to have been committed by a child less than eighteen (18) years of age, to at once report to the judge of the juvenile court of ~~his~~ the county of such officer or judge the fact that such record or file has been made and the substance thereof together with all of the information in ~~his~~ the possession of such officer or judge pertaining to the making of such record or file.

~~(c) When a record has been made by or at the instance of any peace officer, judge or other similar officer, concerning a public offense committed or alleged to have been committed by a child less than eighteen (18) years of age, the judge of the juvenile court of the county in which such record is made shall have the power to order such officer or judge to expunge such record; and, if he shall refuse or fail to do so within a reasonable time after receiving such order, he may be adjudged in contempt of court and punished accordingly.~~

~~(d) This section shall be construed as supplemental to and a part of the Kansas juvenile code.~~

New Sec. 12. (a) When any records or files specified in K. S. A. 38-805 or K. S. A. 1975 Supp. 38-815a, both as amended, have been made concerning a person less than eighteen (18) years of age, such person may apply, in his or her own behalf, to the judge of the juvenile court of the county in which records or files are maintained to have such records or files sealed. After hearing, the court shall order the sealing of such records and files if the court finds that:

(1) [The person has reached an age of twenty-one (21) years or more] [Two (2) years have elapsed since the final discharge of the person] and

(2) since the final discharge of the person, such person has not been convicted of a felony or of a misdemeanor involving moral turpitude or adjudicated a delinquent or miscreant child

and no proceeding is pending seeking such conviction or adjudication [and

(3) such person has been rehabilitated.]

(b) When any records or files specified in K. S. A. 38-805 or K. S. A. 1975 Supp. 38-815a, both as amended, have been made concerning a person less than eighteen (18) years of age, the judge of the juvenile court of the county in which such records or files are maintained may order, at any time, on the judge's own motion and after hearing, the sealing of such records or files.

(c) Reasonable notice of any hearing held pursuant to subsection (a) or (b) of this section shall be given to:

(1) The county or district attorney of the county in which the records or files are maintained;

(2) the authority granting the discharge of the person, if the final discharge was from an institution or from parole or probation; and

(3) the peace officers, judges or other public officers having custody of the records or files sought to be sealed.

(d) Upon entry of an order sealing records or files, the proceeding to seal such records or files shall be treated as if it never occurred. All index references shall be deleted and the person, the court and all peace officers and other public officers and agencies shall properly reply on inquiry that no record or file exists with respect to the person. Inspection of the sealed files or records thereafter may be permitted by order of the juvenile court upon petition by the person who is the subject of the records or files and only by those persons named in the order.

(e) Copies of any order made pursuant to subsection (a) or (b) of this section shall be sent to each public officer and agency named therein. If any such officer or agency fails to comply with such order within a reasonable time after its receipt, such officer or agency may be adjudged in contempt of court and punished accordingly.

Sec. 13. K. S. A. 1975 Supp. 38-815b is hereby amended to read as follows: 38-815b. (a) Whenever there is required to be a determination as to the need for any detention or eustedy care and control of a child in a detention hearing under this act, the juvenile court shall immediately set the time and place for such hearing and shall appoint a guardian ad litem for the child, unless one has already been appointed ~~or other counsel for the child has been retained in lieu thereof, to serve until such time as such other counsel may be retained.~~ The costs of such guardian ad litem may be assessed to the parent, guardian or such other person having legal custody of the child as part of the costs of the case as provided in subsection (f) of K. S. A. 1975 Supp. 38-817, as amended.

(b) Oral or written notice of the detention hearing ~~setting forth the time, place and purpose of such hearing~~ and of the appointment of a guardian ad litem shall be given ~~immediately~~ to the child, to the guardian ad litem and, if ~~he~~ one can be found, to the parent, guardian or such other person having legal custody of the child or, if there is none, ~~then~~ to some other relative or other interested person, if there is one. Such notice shall include ~~a statement advising such persons of the right to retain counsel of their own choosing, and that the court has appointed counsel to serve as guardian ad litem until such time as the court is notified of the name and address of the counsel for the child which has been retained in lieu of such guardian ad litem.~~ Such notice shall set forth the name and address of such guardian ad litem and that the cost of such guardian ad litem may be assessed to the parent, guardian or such other person having legal custody of the child as part of the costs of the case the time, place and purpose of the hearing and the name and address of the guardian ad litem. In addition, such notice shall advise that the cost of the guardian ad litem may be assessed, as a part of the costs of the case, to the parent, guardian or other person having legal custody of the child and that such parent, guardian or other person having legal custody of the child may retain

counsel of his or her own choosing, in addition to the guardian ad litem. Written Notice of the detention hearing as provided in this subsection shall be ~~serveed~~ given at least twenty-four (24) hours prior to the time set for the detention hearing, by the probation officer or by the sheriff of the county or by any other person appointed by the court for such purpose. ~~Except-as-otherwise-specifically-provided-in-this-section,-such-notice-shall-be-served-in-the-manner,-other-than-by-publication,-provided-for-the-service-of-summons-in-K.-S.-A.-38-810.~~

(c) The juvenile court may order temporary ~~custody~~ care and control or detention as provided in K. S. A. 38-819, as amended, in a detention hearing under this section after determining that: (1) The child is dangerous to himself or to others; (2) the child is not likely to appear at a hearing for adjudication on any petition filed pursuant to K. S. A. 38-816, as amended; or (3) the health or welfare of the child may be endangered without further care. If temporary custody or detention is ordered and the parent, guardian or other person having legal custody of the child has not been notified of the hearing, did not appear or waive appearance and files an affidavit showing these facts, the court shall rehear the matter without unnecessary delay.

(d) When the court finds that the continued detention of the child pending adjudication in a hearing on a petition is not required to serve the welfare of the child and the best interests of the state as determined in subsection (c) of this section, the court shall order the child's release and in doing so may place the child in the custody of the parent, guardian or other person having legal custody of the child, or in the care and control of a juvenile probation officer, or may impose any other conditions which may be required subject to modification by the court.

(e) This section shall be construed as supplemental to and a part of the Kansas juvenile code.

Sec. 14. K. S. A. 38-816 is hereby amended to read as follows: 38-816. (a) Any reputable person eighteen (18) years of age or over having knowledge of a child who appears to be either

delinquent, miscreant, wayward, ~~a-traffic-offender,~~ a truant or ~~dependent-and-neglected-as-defined-in-K.-S.-A.-1969-Supp.-38-802~~ and ~~any-amendments-thereto~~ deprived, may file with the juvenile court having jurisdiction, a petition in writing, verified by affidavit, which shall, in plain and concise language, without repetition, set forth the facts which bring the child under the jurisdiction of the juvenile court; and so far as known: (1) The name, age and residence of the child; (2) the names and residence of his parents; (3) the name and residence of his legal guardian, if there be one; or (4) the name and residence of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found.

(b) Whenever any reputable person shall furnish information to the juvenile court that a child appears to be either delinquent, miscreant, wayward, ~~a-traffic-offender,~~ a truant or ~~dependent-and-neglected-as-defined-in-K.-S.-A.-1969-Supp.-38-802~~ and ~~any-amendments-thereto~~ deprived, it shall be the duty of such court, or its duly appointed probation officer when requested by the judge thereof, to make a preliminary inquiry to determine whether the interest of the public or of such child requires that further action be taken. Whenever practicable, such inquiry shall include a preliminary investigation of the circumstances which were the subject of such information, including the home and environmental situation and previous history of such child, ~~and-his-previous-history~~. If, after such inquiry, the judge of the juvenile court determines that the circumstances so justify, ~~he~~ such judge shall authorize a petition, in writing, to be filed in his court by the person furnishing such information, or by some other reputable person having such knowledge, or, when so requested by such judge, the county or district attorney shall file such petition. Such petition shall be verified and may be upon information and belief. It shall be in plain and concise language, without repetition, and shall set forth the facts enumerated in subsection (a) of this section, and if any of the facts therein required are not known to the petitioner, the peti-

tion shall so state. Upon the filing of such petition, the juvenile court shall proceed as provided in this act.

(c) The proceedings shall be entitled: "In the interest of _____, a child under eighteen (18) years of age."

(d) When, under subsection (d) of K. S. A. ~~1969~~ 1975 Supp. 38-815 and any amendments thereto, a case is referred to the juvenile court, such court may proceed to make preliminary inquiry and investigation and authorize a petition to be filed in the manner as set forth in subsection (b) of this section. ~~Provided,~~ The county or district attorney shall, when requested by the judge of such court, file such petition without such inquiry and investigation. Upon the filing of such petition, such court shall proceed as provided in this act.

(e) No defect in statements of jurisdictional facts actually existing shall invalidate any proceedings.

(f) Upon the hearings on any petition, the judge of the juvenile court may amend the petition to conform with the facts, and render judgment accordingly.

Sec. 15. K. S. A. 1975 Supp. 38-817 is hereby amended to read as follows: 38-817. (a) Upon the filing of a petition to declare a child to be delinquent, miscreant, wayward, ~~a--traffie offender,~~ ~~a truant or dependent and neglected~~ deprived, the juvenile court shall fix the time and place for the hearing thereon. The date set for hearing shall be within two (2) weeks following the date of the filing of such petition but the court may, on motion for good ~~and sufficient~~ cause shown, may grant a continuance ~~when deemed necessary~~ until a time certain. Immediately upon the filing of such petition the court shall give notice of the time and place of such hearing and of the appointment of a guardian ad litme to the child, to the guardian ad litem and to the parent, guardian or other person having legal custody of such child or, if there be none ~~then,~~ to some relative or other interested person, if there be one. Such notice shall include a ~~statement advising such child and~~ the name and address of the

guardian ad litem and shall advise that the parent, guardian or other person having legal custody of such child ~~of~~ has the right to retain counsel of ~~their~~ his or her own choosing ~~but that upon the failure to retain counsel and notify said court of the name and address of such counsel within five (5) days of the service of such notice, the court will forthwith appoint counsel for such child and, in addition to the guardian ad litem and that the cost of ~~appointed counsel~~ the guardian ad litem may be assessed to the parent, guardian or other person having legal custody of the child as part of the costs of the case. ~~Upon the expiration of such five (5) day period the court shall forthwith appoint counsel for such child and notify counsel, the child and the parent, guardian or other person having legal custody of the child thereof.~~ Provided, however, In case the petition declares the child to be a traffic offender, as defined by subsection (e) of K. S. A. 38-802, and it is such child's first appearance in said court as a traffic offender, the court shall not be required to appoint counsel for said child unless other circumstances warrant such appointment. Such notice and a copy of the petition shall be served by the probation officer of the court or by the sheriff of the county or by registered mail, return receipt requested. ~~Provided,~~ Except that if the judge of the juvenile court is satisfied that by reason of the fact that the whereabouts of the parent, guardian or other person having legal custody of the child is unknown, it is impossible to serve such notice in such manner, ~~he~~ such judge may order service made by publication once each week for two (2) consecutive weeks in a newspaper of the county authorized to publish legal notices. Promptly upon the filing of the petition, the juvenile court ~~may~~ shall send to the secretary of social and rehabilitation services a copy thereof. If requested by the court, the secretary of social and rehabilitation services, without cost to the natural parents or to the petitioner, shall make such investigation as the court may request and be prepared to report ~~his~~ the findings to the court upon the hearing of the petition.~~

(b) Unless the parties shall voluntarily appear or be in court, a summons shall issue in the name of the state of Kansas, requiring the child and the person having custody and control of the child or with whom the child may be, to appear with the child at the place and at the time set in the summons.

(c) Unless they shall voluntarily appear or be in court, summons shall also issue to the parents of the child, if living and their residence known, or ~~his~~ to the child's guardian, if one there be, or if there is neither parent nor guardian, or if ~~his~~ the residence of the parent or guardian is unknown, then to some relative, if there be one, and his or her residence is known.

(d) If it shall appear that a parent of the child is confined in the state penitentiary, or any of the state hospitals, or in any state charitable or penal institution, a copy of the summons for said parent shall be served upon said parent, and also upon the person having charge of said institution, by mail. Such service shall be in lieu of the service prescribed by K. S. A. 38-810, as amended. It shall be the duty of the person having charge of said institution to confer with said parent, if said parent's mental condition is such that a conference will serve any useful purpose, and advise the court in writing as to the wishes of such parent with regard to said child. The failure of the person having charge of said institution to perform such duty shall not invalidate the proceeding.

(e) If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the juvenile court, or to bring the child, such person may be proceeded against for contempt of court.

(f) At the time fixed in the summons, or by order of the court, the juvenile court shall proceed to hear and dispose of the case and enter judgment or decree therein. The juvenile court may apply the schedule of fees provided in K. S. A. 28-171, where appropriate, to compute the costs of all proceedings under the Kansas juvenile code and, in the discretion of the court, the costs of such proceedings may be adjudged against the person or

persons so summoned or appearing, and collected as provided by law in civil cases, or charged to the county and paid out of the general fund.

(g) All summonses issued pursuant to this section shall state the court in which the petition is filed and all the information appearing in the petition pursuant to subsection (a) of K. S. A. 38-816, as amended. Except as otherwise specifically provided in this section, such summons shall be served as provided in K. S. A. 38-810, as amended.

Sec. 16. K. S. A. 1975 Supp. 38-819 is hereby amended to read as follows: 38-819. (a) Prior to or during the pendency of a hearing on a petition to declare a child to be delinquent, miscreant, wayward, ~~a traffic offender,~~ a truant or dependent ~~and neglected~~ deprived, filed pursuant to K. S. A. 38-816, as amended, the juvenile court may order that such child be placed in some form of temporary detention or custody care and control as provided in this section, ~~but~~. Except as provided in subsection (e) of K. S. A. 1975 Supp. 38-815, such temporary detention or custody shall be order only after a determination is made as to the necessity therefor in a detention hearing as provided in ~~section 4 of this act~~ K. S. A. 1975 Supp. 38-815b.

(b) Upon such a determination, the juvenile court may make an order temporarily granting the custody care and control of such child to some person, other than the parent, guardian or other person having legal custody, or to a children's aid society, or to a public or private institution used as a home or place of detention ~~or correction~~, or to the secretary of social and rehabilitation services.

(c) Upon such a determination, the juvenile court may order any such child who is alleged to be a delinquent or miscreant child to be placed in detention in the county jail or police station in quarters separate from adult prisoners. In such cases, the juvenile court, if it deems it advisable, may order such child confined in a jail or police station prior to or during the pendency of the hearing on the petition. When such provisions

for separate quarters have not been made for the care and custody of the child in such detention, the juvenile court may order such child to be kept in some suitable place of detention provided by the county other than the county jail or police station.

(d) Excluding the periods of time for any continuances requested or consented to by the guardian ad litem for the child and continuances on motion for good cause shown and after a hearing, no child shall remain in temporary detention or care and control ordered pursuant to this section for more than two (2) weeks unless within such time such child is adjudged by the juvenile court to be delinquent, miscreant, wayward, truant or deprived.

~~(d)~~ (e) Unless otherwise provided for, and subject to payment or reimbursement as required by K. S. A. 1975 Supp. 38-828, the expenses of any temporary detention or ~~custody~~ care and control ordered by the juvenile court pursuant to this section shall be paid out of the state social welfare fund if the child is determined by the secretary of social and rehabilitation services to be eligible for assistance under K. S. A. 39-709, or any amendments thereto, otherwise such expenses shall be paid from the county general fund of the county in which the matter or proceeding is pending.

Sec. 17. K. S. A. 38-820 is hereby amended to read as follows: 38-820. No order or decree permanently depriving a parent of his parental rights in a ~~dependent-and-neglected~~ deprived child under subsection (c) of ~~section 24--of--this--act~~ K. S. A. 38-824, as amended, shall be made unless such parent is present and represented by counsel in juvenile court or has been served with summons as provided in ~~section 10--of--this--act~~ K. S. A. 38-810, as amended. The judge of the juvenile court shall assign an attorney to any such parent who is unable to employ counsel and may award a reasonable fee to said counsel to be paid from the general fund of the county.

Sec. 18. K. S. A. 1975 Supp. 38-823 is hereby amended to read as follows: 38-823. (a) Prior to or during the pendency

of a hearing on a petition filed pursuant to K. S. A. 38-816, ~~or any amendments thereto~~, the juvenile court may allow the child named in such petition to remain in ~~his or her~~ the child's own home in the custody of the parent, guardian or other person having legal custody of the child, place such child in the care and control of a probation officer, or order temporary detention or custody as provided in K. S. A. 1975 Supp. 38-819, ~~or any amendments thereto~~.

(b) ~~In any case~~ Subject to the provisions of subsection (e) of this section, the juvenile court may continue or adjourn a hearing in any case from time to time ~~except as otherwise provided in subsection (e) of this section~~ but any continuance or adjournment shall be only for good cause and until a time certain.

(c) A child, during the pendency of a hearing and before final order or decree, may be referred to the youth center at Atchison or supplementary branch facility thereof or to any state institution with the facilities capable of care, treatment or evaluation of children except that no child shall be referred to such youth center or facility unless the court shall have been previously advised by the secretary of social and rehabilitation services that such youth center or facility is a suitable place to care for, treat or evaluate such child and that space is available, ~~and~~. The expenses of transportation to and from said youth center or facility may be ~~so~~ paid as part of the expenses of such temporary care and ~~custody~~ control. ~~Such~~ The youth center or facility to which such child has been referred may receive, detain, care for, treat and evaluate such child and shall make a report of its findings and recommendations to the juvenile court within ninety (90) days after its acceptance of such child.

(d) Nothing in this section shall be construed to mean that any person shall be relieved of legal responsibility to support a child.

(e) Excluding the periods of time required for any continu-

ances made at the request of the child or the child's counsel, the disposition ~~in a hearing on a petition~~ by the juvenile court shall be made no more than thirty (30) days after adjudication, except that where a child has been referred for evaluation prior to such disposition, the disposition shall be made no more than thirty (30) days after the receipt by the juvenile court of the evaluation report.

Sec. 19. K. S. A. 38-824 is hereby amended to read as follows: 38-824. (a) ~~The provisions of this section shall apply to any child under the age of eighteen (18) years found to be dependent and neglected, within the meaning of this act, either at the initial hearing or any subsequent hearing.~~

~~(b)~~ (b) When a child has been adjudged to be deprived, the juvenile court, in the absence of an order depriving parental rights, ~~the juvenile court~~ may make such dependent and neglected child a ward of the court and ~~commit the child to:~~

(1) ~~The custody of~~ Place such child with either or both of his parents;

(2) place such child in the care, custody and control of a juvenile probation officer ~~duly appointed by the court~~, or other individual;

(3) ~~the care of some~~ commit such child to a children's aid society; or

(4) commit such child to the secretary of social and rehabilitation services; or

(5) commit such child to the secretary of social and rehabilitation services, with direction to place such child in a public institution of the state used as a home or place of detention for juveniles.

~~(c)~~ (b) When the parents, or parent in the case there is one parent only, are ~~(or is)~~ found and adjudged to be unfit persons ~~(or an unfit person)~~ to have the legal custody of such dependent and neglected a deprived child, K. S. A. 38-820 and ~~other~~ all applicable provisions of this act having been fully complied with, the juvenile court may make an order permanently

depriving such parents, or parent, of ~~their-(his-or-her)~~ parental rights and commit the child:

(1) To ~~the-care-of~~ some reputable citizen of good moral character;

(2) to ~~the--care-of~~ some suitable public or private institution used as a home or place of detention ~~or-correction~~;

(3) to ~~the-care-of~~ some association willing to receive ~~it~~ the child, embracing in its objects the purpose of caring for or obtaining homes for ~~dependent-and-neglected~~ deprived children;

(4) to the secretary of social and rehabilitation services; or

(5) to the secretary of social and rehabilitation services, with direction to place such child in a suitable institution of the state used as a home or place of detention.

~~(d)~~ (c) In any case where the juvenile court shall award commit a child to ~~the-care-of~~ an individual or association, in accordance with clause (1) or (3) of subsection ~~(e)~~ (b) of this section, the child shall, unless otherwise ordered, become a ward of, and be subject to the guardianship of the individual or association to whose care it is committed. Such individual or association shall have authority to place such child in a family home, give consent for the adoption of such child, and be party to proceedings for the legal adoption of the child, and such consent shall be the only consent required to authorize the probate court to enter proper order or decree of adoption. In any case where the juvenile court shall award commit a child to ~~the-care~~ ~~of~~ the secretary of social and rehabilitation services, in accordance with clause (4) or (5) of subsection ~~(e)~~ (b) of this section, said state secretary of social and rehabilitation services shall be the guardian of the person and the estate of said child and shall be empowered to place such child for adoption and give consent therefor, or to make transfer of such child for adoption and give consent therefor, or to make transfer of such child as provided ~~for~~ by K. S. A. 38-825, as amended. In any such case, upon the filing of the application provided for in

K. S. A. ~~1972~~ 1975 Supp. 59-3009, ~~of the act entitled "act for obtaining a guardian or conservator, or both"~~ by the secretary of social and rehabilitation services, the court shall forthwith appoint the secretary of social and rehabilitation services the "conservator" of such child.

~~(e)~~ (d) When the health or condition of ~~such dependent and neglected~~ deprived child shall require it, the juvenile court may cause the child to be placed in a public or private hospital under the care of a competent physician. In cases other than those provided for in subsection ~~(d)~~ (c) above, the juvenile court may delegate the authority to issue consents to the performance and furnishing of hospital, medical or surgical treatment or procedures to the individual, association, or agency to whom the court has ~~granted custody of~~ committed such child pursuant to subsection (b) of this section.

Sec. 20. K. S. A. 38-825 is hereby amended to read as follows: 38-825. (a) When a ~~dependent and neglected~~ deprived child has been committed to the secretary of social and rehabilitation services pursuant to clause (4) of subsection (a) or clause (4) of subsection (b) of K. S. A. 38-824, as amended, said secretary, if he or she deems it to the best interest of the child, may place the child in the Kansas children's receiving home ~~or~~ in a foster care facility, ~~or may transfer such child to the jurisdiction of~~ in a children's aid society willing to accept the child, or with the written consent of the judge of the juvenile court ~~to~~ in the home of the parent, or parents, ~~who, if such parent or parents~~ have not been deprived of parental rights.

(b) A parent or parents of a child ~~under the jurisdiction of~~ committed to the secretary of social and rehabilitation services, ~~who has~~ if such parent or parents have not been deprived of ~~his~~ parental rights, may file with the juvenile court having jurisdiction, a petition in writing for the return of such child to ~~him or them~~ such parent or parents. Such petition shall be verified by affidavit and shall state the name, age and residence of the child and name and residence of each petitioner.

The court shall fix a time and place for a hearing on such petition and shall notify each petitioner and the secretary of social and rehabilitation services of such time and place. If after the hearing, the court shall determine from the evidence that it would be to the best interests of the child ~~that he~~ to be returned to his or her parent or parents, it shall so order.

Sec. 21. K. S. A. 38-826 is hereby amended to read as follows: 38-826. (a) When a child has been adjudged to be a delinquent child or a miscreant child under the provisions of this act, the judge of the juvenile court may make an order to:

(1) Place such child on probation in the care, custody and control of either or both ~~of his~~ parents, subject to such terms and conditions as the juvenile court may deem proper and may make such additional orders directed to the juvenile or ~~his~~ the juvenile's parents or both as may be deemed necessary to effectively carry out the probation;

(2) place such child in the care, ~~custody~~ and control of a ~~duly-appointed~~ juvenile probation officer or other suitable person, subject to such terms and conditions as the juvenile court may deem proper;

(3) place such child in a detention home, parental home or farm, subject to such terms and conditions as the juvenile court may deem proper;

(4) place such child ~~in the care of~~ with a children's aid society, subject to such terms and conditions as the juvenile court may deem proper ~~Provided, however, That:~~

~~(5)~~ if such child is sixteen (16) years of age or over, the ~~juvenile court may~~ place such child in the county jail pending final disposition or may place ~~him~~ such child on probation on such terms and conditions as the juvenile court may deem proper;

~~(5)~~ (6) commit such child to the state secretary of social and rehabilitation services;

(7) commit such child to the secretary of social and rehabilitation services, with direction to place such child in a public institution of the state used as a home or place of deten-

tion for juveniles; or

~~(6)~~ (8) commit such child, if a boy thirteen (13) years of age or older, to the state industrial school for boys or other training or rehabilitation facility for juveniles or, if a girl thirteen (13) years of age or older, to the state industrial school for girls or other training or rehabilitation facility for juveniles; ~~Provided, That from the effective date of this act and until July 1, 1975, no child sixteen (16) years of age or over shall be committed to the state industrial school for boys, state industrial school for girls or other training or rehabilitation facility for juveniles unless the court shall have been previously advised by the director of mental health and retardation services that space is available at one of such facilities for the care, treatment and training of such child.~~

(b) When a child has been adjudged to be a wayward ~~child~~ or a truant child under the provisions of this act, the judge of the juvenile court may make an order to place such child in the same manner as provided in paragraphs (1) ~~, (2), (3), (4) and (5)~~ to (7), inclusive, of subsection (a) of this section.

~~(c) When a child has been adjudged to be a traffic offender under the provisions of this act, the judge of the juvenile court may make an order:~~

~~(1) Imposing a penalty of not more than one hundred fifty dollars (\$150) for each offense, which penalty shall be in addition to any costs adjudged against such offender in the discretion of the juvenile court;~~

~~(2) suspending or revoking his motor vehicle operator's license and requiring a copy of the order to be forwarded by certified mail to the division of vehicles of the department of revenue together with a statement of the fact showing that such offender has committed an act making him a traffic offender under the provisions of this act, and the division of vehicles of the department of revenue shall forthwith comply with said order by suspending or revoking his motor vehicle operator's license;~~

~~(3) directing such offender to attend a police department~~

~~traffic school in a city of the county in which he has residence~~
or

~~(4) placing such child in the same manner as provided in paragraphs (1), (2), (3) and (4) of subsection (a) of this section.~~

~~(d)~~ (c) When a child has been committed to the state secretary of social and rehabilitation services, pursuant to clause (6) of subsection (a) ~~(5) of this section~~ or pursuant to subsection (b) of this section, unless placement is otherwise directed by the court, said secretary may place the child in any institution operated by the director of mental health and retardation services, or ~~it~~ may contract and pay for the placement of the child in a county detention home or in a private children's home, as defined by K. S. A. ~~1972~~ 1975 Supp. 75-3329, or for the placement of such child in a child care facility, ~~or~~ boarding home for children, or ~~in a~~ community mental health clinic.

(e) After placement of a child, the secretary of social and rehabilitation services shall retain ~~jurisdiction~~ legal custody over the child, and ~~it~~ may transfer such child at any time to any institution, detention home, mental health clinic, private children's home, child care facility or boarding home for children.

Sec. 22. K. S. A. 1975 Supp. 38-827a is hereby amended to read as follows: 38-827a. (a) Unless otherwise provided for, and subject to payment or reimbursement as required by K. S. A. 1975 Supp. 38-828, ~~or any amendments thereto~~, the expenses of the care and custody of a ~~dependent and neglected~~ deprived child, committed under ~~clauses~~ clause (2), (3), and (4) or (5) of subsection ~~(b)~~ (a) of K. S. A. 38-824, ~~or any amendments thereto~~ as amended, or placed in a hospital under subsection ~~(e)~~ (d) of K. S. A. 38-824, ~~or any amendments thereto~~ as amended, or referred to the youth center at Atchison or facility thereof under subsection (c) of K. S. A. 1975 Supp. 38-823, ~~or any amendments thereto~~ as amended, shall be paid out of the state social welfare fund if such child is eligible for assistance

under K. S. A. 39-709, ~~or any amendments thereto~~. Otherwise, such expenses shall be paid out of the general fund of the county in which the proceedings are brought. For the purpose of this subsection, a child who is a nonresident of the state of Kansas or whose residence is unknown shall have residence in the county where the proceedings are instituted.

(b) Unless otherwise provided for, and subject to payment or reimbursement as required by K. S. A. 1975 Supp. 38-828, ~~or any amendments thereto~~, the expenses of the care and custody of a child placed in accordance with the provisions of ~~clauses~~ clause (2) ~~---(3)---(4)---and---(5)~~ to (7), inclusive, of subsection (a) of K. S. A. 38-826, ~~or any amendments thereto~~ as amended, or referred to the youth center at Atchison or facility thereof or other facility under subsection (c) of K. S. A. 1975 Supp. 38-823, as amended, shall be paid out of the state social welfare fund if such child is eligible for assistance under K. S. A. 39-709, ~~or any amendments thereto~~. Otherwise such expense shall be paid out of the general fund of the county in which the proceedings are brought, except that the expenses of the care and custody of any child committed to the secretary of social and rehabilitation services pursuant to clause ~~(5)~~ (6) or (7) of subsection (a) of K. S. A. 38-826, ~~or any amendments thereto~~, as amended, shall not be paid out of the county general fund.

(c) When a child is committed under clause (4) or (5) of subsection ~~(b)~~ (a) of K. S. A. 38-824, ~~or any amendments thereto~~ as amended, or under clause ~~(5)~~ (6) or (7) of subsection (a) of K. S. A. 38-826, ~~or any amendments thereto~~ as amended, the expenses of the care and custody of such child may be paid out of the state social welfare fund, subject to payment or reimbursement as required in K. S. A. 38-828, ~~or any amendments thereto~~, even though the child does not meet the eligibility standards of K. S. A. 39-709, ~~or any amendments thereto~~.

(d) Nothing in this act shall be construed to mean that any person shall be relieved of his legal responsibility to support a child.

Sec. 23. K. S. A. 1975 Supp. 38-828a is hereby amended to read as follows: 38-828a. As used in this act, "ward" means any child committed to ~~or-in-the-custody-of~~ the ~~department~~ secretary of social and rehabilitation services. There is hereby established the "ward's account." The secretary of social and rehabilitation services shall designate one or more employees to manage and be in charge of the ward's account and subsidiary accounts thereof. All moneys in the possession of the secretary belonging to wards shall be within the ward's account. The person in charge of the ward's account shall maintain a subsidiary account for each ward having any money in the ward's account. All moneys received, that are hereby designated to be within the ward's account, shall be deposited in a bank account designated by the state board of treasury examiners until it is abolished and thereafter by the pooled money investment board. The persons in charge of the ward's account shall be the persons authorized to write checks on such bank account. Such persons in charge of the ward's account may withdraw money from such bank account and deposit the same in savings accounts of a bank or savings and loan association, insured by the federal government or agency thereof, designated by such board, and each amount so deposited shall indicate the ward's subsidiary account to which the interest thereon shall be credited. Moneys deposited in such a savings account shall be subject to withdrawal within six (6) months of deposit or interest payment. Moneys of wards' accounts shall not be in or a part of the state treasury but shall be subject to post audit under article 11 of chapter 46 of Kansas Statutes Annotated.

Sec. 24. K. S. A. 38-829 is hereby amended to read as follows: 38-829. In any proceedings where a ~~dependent--and neglected~~ deprived, delinquent, miscreant, wayward or a truant child has been placed ~~in-the-care-and-custody-of~~ placed with or committed to any children's aid society or individual by the court, the court may cause the child to be brought before it, together with the person or persons ~~in-whose-custody-he-may-be~~

with whom such child is placed or to whom such child is committed, and if it shall appear that a continuance of such custody placement or commitment is not for the best interests of such child, the court may revoke and set aside the order giving such--custody making such placement or commitment and may make such further orders in-the-premises as to the future custody placement or commitment of the child as shall seem best.

Sec. 25. K. S. A. 38-830 is hereby amended to read as follows: 38-830. (a) In all cases where any child ~~shall be--a~~ is adjudged to be delinquent, a miscreant, wayward, ~~traffie offender, truant, or a dependent and neglected child, as--defined in--section--38-802-of-the-General-Statutes-Supplement-of-1957-or any-amendments-thereto~~ deprived, any parent or other person responsible for such child's act or for such ~~dependency and neglect~~ child's being deprived, or any parent or other person, who shall by any act have caused or encouraged same, or contributed thereto, shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed one thousand dollars (\$1,000), or imprisoned in the county jail for a period not to exceed one (1) year, or by both such ~~fine and imprisonment~~.

(b) The juvenile court shall have jurisdiction of all cases coming within the provisions of this section, and the judge thereof may proceed to the hearing on the complaint charging that any parent or other person has violated the provisions of subsection (a) of this section, even though a petition has not been filed in the interest of a child under the provisions ~~of section K. S. A. 38-816 of the General Statutes Supplement of 1957 or any amendments thereto,~~ as amended.

(c) Upon the request of the judge of the juvenile court, the county or district attorney shall prosecute any parent or other person charged with violating the provisions of subsection (a) of this section.

(d) The judge of the juvenile court shall ~~assign~~ appoint an attorney ~~to~~ for any parent or other person charged under subsec-

tion (a) of this section who is unable to employ counsel and may award a reasonable fee to ~~said counsel~~ such attorney to be paid from the general fund of the county.

Sec. 26. K. S. A. 38-839 is hereby amended to read as follows: 38-839. When any child under the age of eighteen (18) years has been taken into custody by a law enforcement official, and such child indicates in any manner and at any stage of the process that he or she wishes to consult with an attorney before speaking, ~~he~~ such child shall not be questioned until he or she has had an opportunity to consult with ~~retained--or--appointed counsel~~ the guardian ad litem appointed in the case. Except in cases where there is imminent danger that such child will escape, it shall be the duty of the law enforcement official having custody of the detained child to provide a suitable place where he or she may confer privately with ~~his--attorney~~ the guardian ad litem without surveillance or other intrusion by the law enforcement officials. The court shall prescribe by rule the procedure to be followed in obtaining the services of counsel to represent indigent children detained by such law enforcement officials prior to appearance before the court and may award a reasonable fee to ~~said--counsel~~ the guardian ad litem to be paid from the general fund of the county. This section shall be a part of and supplemental to the Kansas juvenile code.

JAIL INSPECTION DATA SHEET

Attachment VII
Hazel. 10/17/11

ACTUAL INSPECTIONS MADE: 110

INSPECTIONS AND/OR REPORTS COMPLETED AND MAILED: 72

NUMBER OF COMPLAINTS WORKED:

These complaints were received from the Governor's Office, Attorney General's Office, members of the legislature and citizens, etc.

Complaints were worked on the following:

BARTON COUNTY
FORD COUNTY
PAWNEE COUNTY
NEOSHO COUNTY
DICKINSON COUNTY 2 inspections/investigations made
MONTGOMERY COUNTY
HARPER COUNTY
CRAWFORD COUNTY
KANSAS STATE PENITENTIARY
GEARY COUNTY

CONSULTATIVE MEETINGS WITH CITY AND COUNTY COMMISSIONERS AND ARCHITECTS INVOLVED IN DESIGNING OR REMODELING JAILS: 35

RECOMMENDATIONS TO CLOSE FACILITY (Not Ordered to Close)

WYANDOTTE COUNTY
MARSHALL COUNTY
CLAY COUNTY
NEMAHA COUNTY
BUSHTON CITY LOCK-UP
JACKSON COUNTY
OTTAWA COUNTY
RAWLINS COUNTY
MARION COUNTY
CHASE COUNTY

NEW JAILS UNDER CONSTRUCTION OR IN PLANNING STAGE: 15

LYONS COUNTY
JACKSON COUNTY
DOUGLAS COUNTY
BOURBON COUNTY
CRAWFORD COUNTY
WILSON COUNTY
THOMAS COUNTY
SMITH COUNTY
HARPER COUNTY
ELLSWORTH COUNTY
RUSH COUNTY
ELLIS COUNTY
PRATT COUNTY
MARSHALL COUNTY
NEMAHA COUNTY

ACTUAL MILES TRAVELLED BY JAIL INSPECTORS FOR MONTHS OF JULY, AUGUST and SEPTEMBER: 23,815

FIRST DISTRICT ATTORNEY
DONALD P. MORRISON

ASSISTANT DISTRICT ATTORNEYS
RANDY L. BAIRD
THOMAS D. HANEY, JR.
ALBERT D. KEIL
JOSEPH P. O'SULLIVAN—
CONSUMER PROTECTION
FRANK J. YEOMAN, JR.—
JUVENILE COURT
JOAN M. HAMILTON—
JUVENILE COURT

GENE M. OLANDER
DISTRICT ATTORNEY

KANSAS THIRD JUDICIAL DISTRICT
SUITE 302. COURTHOUSE
TOPEKA, KANSAS



PHONE: 357-1241 EXT. 511
AREA CODE 913

October 16, 1975

Attachment VIII
101-5

CHIEF INVESTIGATOR
KENNETH W. HENDRIX, SR.
LEGAL INTERNS
RANDY HENDERSHOT
BLAIR WATSON
RANDY FISHER
JANET SVOBODA

Senator Jim Parrish
Senate Chamber
State House
Topeka, Kansas

Dear Senator Parrish:

This is written to express in writing some of the concerns that I have previously discussed with you regarding needed changes in the Juvenile Code. These particular items are listed below:

1. Appeal by State. K.S.A. 38-834 provides that "an appeal shall be allowed ... by any child from any final order ... and may be demanded on the part of any child by his parent, guardian, guardian ad litem or custodian or by any relative of such child within the fourth degree of kinship." This statute was interpreted by the Kansas Supreme Court in In the Interest of Waterman, 212 Kansas 826, to not permit an appeal by the State. While we agree that the State should not be permitted to appeal on the merits of an adverse ruling in a delinquency case as to guilt or innocence. We do feel that this works a substantial injustice if applied in a dependency and neglect case (a strictly "civil" case). Also it does not permit the State to appeal any adverse rulings of law as are permitted in cases involving adults. We are of the firm conviction that the State should be permitted to appeal from adverse rulings of law in delinquency and miscreancy cases and further should be permitted to appeal on the merits in a dependency and neglect case.

2. Trial de novo. With regard to the provision that an appeal shall be tried as a trial de novo to the district court we state our opposition to that provision and for the following reasons:

first is the fact that this provides for two full trials. To illustrate - one of the juveniles involved in the police shooting incident is scheduled for trial this month and it is anticipated that the trial may last as long as three days, if not longer. Assuming that the State is able to prevail in that case the juvenile will then be entitled to appeal and have a trial de novo, which means of course that the entire matter would be heard again involving another full three days of trial. We think this wholly unjustified. We would point out in Shawnee County and in many other counties in the State the requirements for eligibility to be a juvenile judge are as stringent as those required to be a district judge. While we can appreciate the desirability of retaining the trial de novo provisions for those counties where the juvenile judge is not an attorney, thus providing additional protection of the juveniles rights, we do not believe that that applies in the counties where the judges do meet substantial requirements before becoming juvenile judges.

We would suggest that it be required in the counties which now have separate juvenile courts that those courts be courts of record and that appeals taken therefrom be on the record rather than de novo. Even though this would result in the added expense to the Juvenile Court of providing a court reporter, it would save the expense involved in trying the case anew in District Court.

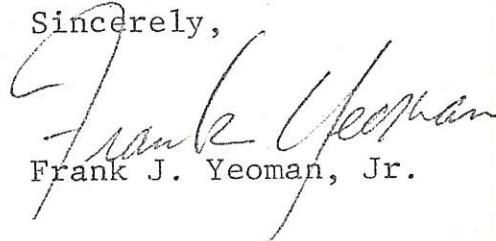
It is my personal belief that in addition to the other considerations the mere fact that Juvenile Court proceedings were on the record would make them of a higher quality as far as legal requirements are concerned. This of course has become an increasingly important consideration in Juvenile proceedings over the past dozen years.

It has been called to my attention that there is some consideration of removing status offenders from the provisions of the juvenile code. While this, philosophically, may be very desirable it would appear to me that some practical considerations should be taken into account. One of those would be that a child many times may have to be removed from the custody of his parents to be placed in some other setting. If this is done it surely would require court action and deleting that provision from the Juvenile Code would appear to only transfer the matter to a different type of proceeding or different court. It also should be pointed out that probably 90 percent of all status offenders are diverted from the formal court process (at least in this county), so as far as that type of case clogging up the system I think that simply is not true. If it is true in some other county it is not a situation

that can't be delt with by providing diversion programs rather than doing away with the Court's jurisdiction of such matters. We would call your attention to an article written by a Juvenile Judge from Minnesota and former President of the National Council of Juvenile Court Judges. You might wish to share this article with your fellow committee members.

Thank you for your consideration of each of the matters mentioned above, if I may be of any assistance to you in any way or explain my position on any of these issues any better please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Frank J. Yeoman, Jr." The signature is written in dark ink and is positioned above the printed name.

Frank J. Yeoman, Jr.

FY:cb

Attachment IX
Oct 17, 1977
McClack

Alternative School
METROPOLITAN SECONDARY PROGRAM CENTER
751 George Washington Boulevard
Wichita, Kansas

PHILOSOPHY

The goal of education in America has long been to provide every youth with a formal schooling opportunity that involves an exploration to the limit of his innate ability and capacity to perform. It is with this goal in mind that the comprehensive high school has been developed and expanded. However, it is becoming increasingly evident that the comprehensive high school is not meeting the needs of all youth as evidenced by the alarming numbers of students who seem to diverge from the normal pattern of finding the comprehensive high school a meaningful experience. It is to the education of these divergent youth that Metropolitan Secondary Program Center directs its attention. It should be stated clearly that Metropolitan Secondary Program Center does not seek to compete with the comprehensive high school but instead, attempts to work with a sending school to provide an alternate approach to education.

The philosophy of Metropolitan Secondary Program Center then becomes that of accepting the divergent youth where he is and helping him to become a self-actualizing contributing citizen within the limits of his mental and psychological capacity to function. It is within the philosophy of this institution to accept virtually all students referred regardless of previous attendance patterns, behavioral difficulties, or failure to succeed in a socially acceptable manner in the comprehensive high school.

Metropolitan Secondary Program Center's approach is that of tolerance of divergent dress, language, behavior, or philosophy of life that just might be disruptive in the comprehensive high school. Metropolitan

Secondary Program Center operates with the belief that regardless of unstable behavior and verbalization to the contrary, every individual has a deep desire to achieve in a socially acceptable manner, to improve himself, and to be recognized as a worthwhile person. It becomes the task then, to activate this latent and sometimes severely crippled drive for self-realization.

Metropolitan Secondary Program Center is a counseling-oriented institution. The personnel is concerned with the task of helping a student develop ego strength and the ability to cope with the anxieties of his everyday life as he attempts to recover his educational losses and obtain his diploma or his equivalency certificate. All staff members must be accepting people who will allow others their space. The student first accepts those people with whom he associates at Metropolitan Secondary Program Center and then incorporates the subject matter available to him.

A third task of the faculty is to provide the best possible conditions for learning, using experimental and creative techniques. To accomplish this task a program must be devised and implemented that can adapt to a wide variety of student needs. Not only must the subject matter be relevant and appealing to the student, it must be individualized to help him overcome his deficiencies. In such a program the student, himself, must be a participant in the planning. The student must know that he holds the reins to the learning process and that his teacher is his consultant.

HISTORY AND DESCRIPTION
OF
METROPOLITAN SECONDARY PROGRAM CENTER

For many years the need for alternatives in education has been evidenced by the great numbers who have withdrawn or who have been withdrawn from the comprehensive high schools. As early as 1968 the Coordinator of Pupil Welfare and Attendance, Mr. James Gates, began researching material for programs designed to provide such alternatives within the public school setting. Concerns were shared with the Director of Pupil Services, Dr. Donald Younglund, and the Superintendent of Schools, Dr. Alvin Morris, along with information about programs across the country.

Mr. Gates was requested by the superintendent to continue to try to identify the needs of the students of District 259, and to identify programs that might be used as models.

In the fall of 1969, the principals of the comprehensive high schools were introduced to the idea by a visual presentation provided by the Denver Metro. The principals were receptive to the concept and encouraged pursuit. By February of 1970, enough interest had been generated that a visit to the Denver Metro facility was arranged. Following that visit Mr. Gates proposed a basis for starting a school with a similar philosophy. This writing was shared with central administration personnel.

As a result of the proposal, five teaching positions were allocated in the budget approved in July of 1970. There was a hope that the school might have an opening date the second semester of the 1970-1971 school year. Meetings were held with building level administrators for the purpose of sharing data and making plans for the implementation of the school. Dr. David McElhiney, Director of Secondary Education, became involved in terms of the implementation of the school, with inputs from plant facilities, Dr. Richard Holstead, and personnel, Dr. Keith Esch.

The lack of a plan for a suitable site deterred the starting of the school in August of 1970.

Pupil needs became even more evident following a major disturbance at Wichita Heights High School in September of 1970. At that time the thirteen students who were expelled became a nucleus for the new student body. Fourteen other out-of-school students with various backgrounds were added to the roll. On October 26, 1970, the Metropolitan Secondary Program Center opened under the guidelines of Wichita Board of Education Policy P1213.00. This policy States that the program is established for residents of Unified School District 259 to meet specially defined educational needs not met in the comprehensive high schools of the district.

Admission to the school is open to residents aged 16 to 21 who have been out of school a significant length of time or are referred by an admini-

strator of a comprehensive high school. Under the board policy, students may enter Metro at any time of year with enrollment determined by the needs of the student and the availability of the courses. All courses required by the State of Kansas for high school graduation are offered as well as elective courses desired by students as the staff competency and adequacy of facilities permits. Courses are, by board policy, individualized through cooperative student-teacher planning. Pupils may finish a course in more or less than the ninety hours spent in the usual class setting. Credit in any course is granted when the teacher recommends such action and the approval of the principal is obtained.

Credits earned at Metro are transferred to the comprehensive high school if the student re-enters such a facility. Students who complete graduation requirements at Metro are issued a Wichita Public Schools High School diploma. The principal may, when appropriate, exercise the existing prerogative of granting a diploma with fewer than twenty credits.

Attendance at the Center, by board policy, is optional with attendance affecting only the student's rate of progress. The pupil may be removed from the roll at his own request or after what is, in the opinion of the principal, an extensive period of non-attendance. Students placed on inactive status due to temporary periods of non-attendance may be returned to active status upon return to school.

Metro was designed as a counseling-oriented alternative program within the Wichita Public Schools to meet the special educational needs of students unable to remain in the comprehensive school for a variety of reasons. Among Metro students are those who are totally or partially self-supporting, many with considerable family responsibilities, and some with severe health handicaps. It has been the policy of the school to accept those students whose social and/or emotional limitations have precluded the development of coping strengths needed to adjust to the comprehensive school. The program is, in fact, offered as an alternative vehicle to any student who has specially defined educational needs not being met by the comprehensive high school. The student may enter Metro at his or her own request if the resident school feels such action is appropriate.

The professional staff has expanded from an original three and one-half persons to a present complement of twelve teachers, a librarian, a counselor-teacher, a part-time nurse, and the principal. The staff members have been employed on the basis of teaching skills, corresponding educational philosophy, and the competency to work within that philosophy.

The original enrollment in October, 1970, was 27 students with an increase to 111 by the end of the 1970-71 school year. Metro held classes first in two surplus rooms of the Central Vocational School. After a month, the school was moved to a small office building in the core area of the city. In August, 1971, the school again moved, this time to an elementary building which has served as permanent quarters. The 1971-72 official enrollment report included 292 students, and by May of that year 346 individuals were on the roll. The September 17, 1973, enrollment report listed 346 students.

Thinking about coming to METRO?

Here are some things to consider

1. You must be at least 16 years old.
2. You must reside within U.S.D. 259, the Wichita Public School District.
3. If you have been enrolled in a Wichita High School this year you probably need a special transfer from your previous school. Check with us first.

Metro is an accredited Wichita High School, and is a part of the public school system. Credit is earned only by the completion of assigned classwork and regular attendance. Regular attendance is essential to your progress. Please do not make an application to Metro if you really don't want to be in school to work towards finishing your credits for your high school diploma. That is unfair to you and to others here at Metro.

We will do everything we can as teachers and staff to make school a good place to be and to provide a meaningful learning experience for you. In return, we ask you to accept the following responsibilities:

1. Be in class during class time. Break time is provided during a particular time period.
2. Remain in the building until you are ready to leave for the day. Parking lots and streets are great for cars but are poor classrooms.
3. Avoid "invading other people's space" by behaving in any way that encourages others to remain out of class, interferes with the progress of others, or reflects unfavorably upon others at this school.
4. Understand that attending Metro is a privilege given to a limited number of students who desire to progress in their education, and to discourage non-Metro friends from meeting you here at school.

Students remain in our program as long as their attendance and progress indicate that we have a program that meets their educational needs. If you are not able to accept these responsibilities we will be happy to visit with you about other options available.

Metro can be a beautiful place to go to school.
It is a school. Its people keep it beautiful.

* * * * *

I have read and understand the above. My signature indicates that I accept these responsibilities. I understand my application to Metro is not complete until this signed statement is returned to -

Metro School
751 George Washington Blvd.
Wichita, Kansas 67211

(Signature)

(Date)

Metropolitan Secondary Program Center - Enrollment - 1975-76

mitis

Name _____ Date _____
 (Last) (First) Phone _____
 Address _____ Are you working? _____ Where? _____
 (Street) (Zip)
 Last School Attended _____ Class _____ Present number of credits _____

Instructions:

On the schedule below circle the classes you wish to take. Choose no more than four.

	1	2	3	4	5	6	7	8	
HOUR	8:00 8:45	8:55 9:40	9:50 10:35	10:45 11:30	11:40 12:25	12:35 1:20	1:30 2:15	2:15 3:00	
Allen 202	Eng	Eng	Coun	Eng	Eng	Lunch	Eng		
Kerschen Annex A-1	Eng	Eng	Eng	Lunch	Eng	Eng	Eng		
McLaurian 203	Eng	Coun	Eng	Eng	Eng	Lunch	Eng		T E A C H E R
McCoy 207	U S Hist Psych Econ	U S Hist Psych Econ	U S Hist Psych Econ	U S Hist Psych Econ	Lunch	U S Hist Psych Econ	U S Hist Psych Econ		C H E R
Larson 208	U S Hist Govt	U S Hist Govt	U S Hist Govt	U S Hist Govt	Coun	U S Hist Govt	Lunch		R
Hollowell 206	Govt N Hist Soc	Govt N Hist Soc	Govt N Hist Soc	Govt N Hist Soc	Govt N Hist Soc	Lunch	Govt N Hist Soc		C O N F E R E N C E
Lamp 103	Coun	Coun	Coun	Coun	Sci	Lunch	Coun		E R E N C E
McCully 101	Sci Alg Geom	Sci Alg Geom	Sci Alg Geom	Sci Alg Geom	Lunch	Sci Alg Geom	Bus Math Alg Geom		E N C E
Ewers 205	Bus	Bus	Bus	Lunch	Bus	Coun	Coun		E
Skewes 102	Art	Art	Art	Lunch	Art	Art	Art		T I M E
Annex A-2	Coun	Clo Foods H & Fam Ch Care	Clo Foods H & Fam Ch Care	Clo Foods H & Fam Ch Care	Lunch	Clo Foods H & Fam Ch Care	Coun		
	Ind Arts	Ind Arts	Ind Arts	Ind Arts	Lunch	Ind Arts	Ind Arts		

Copy your schedule here:

Hour 1. music / one course
 2. _____
 3. _____
 4. _____
 5. _____
 6. _____
 7. _____

Check advisor of your choice:

Skewes _____
 Allen _____
 Larson _____
 McLaurian _____
 McCully _____
 Ware _____

Principal . . . Jane C. Ware
 Librarian . . . Melvern Schroeder
 Nurse Rose Johansen

Teacher - 11

Attachment X
Revised 10/10/95

APPENDIX A / 227

7 court to the legal custody of a public agency other than an
8 institution for delinquent children, or to a private agency or
9 individual other than a parent;

10 (3) reasonable compensation for services and related ex-
11 penses of counsel appointed by the court for a party;

12 (4) reasonable compensation for a guardian ad litem;

13 (5) the expense of service of summons, notices, subpoenas,
14 travel expense of witnesses, transportation of the child, and
15 other like expenses incurred in the proceedings under this Act.

16 (b) If, after due notice to the parents or other persons legally
17 obligated to care for and support the child, and after affording
18 them an opportunity to be heard, the court finds that they are
19 financially able to pay all or part of the costs and expenses stated
20 in paragraphs (1), (2), (3), and (4) of subsection (a), the
21 court may order them to pay the same and prescribe the manner
22 of payment. Unless otherwise ordered payment shall be made to
23 the clerk of the juvenile court for remittance to the person to
24 whom compensation is due, or if the costs and expenses have
25 been paid by the [county] to the [appropriate officer] of the
26 [county].

1 SECTION 53. [Protective Order.] On application of a party or on
2 the court's own motion the court may make an order restraining
3 or otherwise controlling the conduct of a person if:

4 (1) an order of disposition of a delinquent, unruly, or de-
5 prived child has been or is about to be made in a proceeding
6 under this Act;

7 (2) the court finds that the conduct (1) is or may be detri-
8 mental or harmful to the child and (2) will tend to defeat the
9 execution of the order of disposition; and

10 (3) due notice of the application or motion and the grounds
11 therefor and an opportunity to be heard thereon have been
12 given to the person against whom the order is directed.

1 SECTION 54. [Inspection of Court Files and Records.] [Except
2 in cases arising under section 44] all files and records of the court
3 in a proceeding under this Act are open to inspection only by:

4 (1) the judge, officers, and professional staff of the court;

5 (2) the parties to the proceeding and their counsel and
6 representatives;

7 (3) a public or private agency or institution providing su-
8 pervision or having custody of the child under order of the
9 court;

10 (4) a court and its probation and other officials or profes-

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11 sional staff and the attorney for the defendant for use in pre-
 12 paring a presentence report in a criminal case in which the de-
 13 fendant is convicted and who prior thereto had been a party
 14 to the proceeding in juvenile court;
 15 (5) with leave of court any other person or agency or in-
 16 stitution having a legitimate interest in the proceeding or in
 17 the work of the court.

COMMENT

These provisions are consistent with the privacy of hearings provided in section 24.

1 SECTION 55. [Law Enforcement Records.] Law enforcement
 2 records and files concerning a child shall be kept separate from
 3 the records and files of arrests of adults. Unless a charge of de-
 4 linquency is transferred for criminal prosecution under section 34,
 5 the interest of national security requires, or the court otherwise
 6 orders in the interest of the child, the records and files shall not
 7 be open to public inspection or their contents disclosed to the
 8 public; but inspection of the records and files is permitted by:

- 9 (1) a juvenile court having the child before it in any pro-
 10 ceeding;
- 11 (2) counsel for a party to the proceeding;
- 12 (3) the officers of public institutions or agencies to whom
 13 the child is committed;
- 14 (4) law enforcement officers of other jurisdictions when
 15 necessary for the discharge of their official duties; and
- 16 (5) a court in which he is convicted of a criminal offense
 17 for the purpose of a pre-sentence report or other dispositional
 18 proceeding, or by officials of penal institutions and other penal
 19 facilities to which he is committed, or by a [parole board] in
 20 considering his parole or discharge or in exercising supervision
 21 over him.

COMMENT

This and the next section are consistent with the non-criminal character of juvenile court proceedings involving a delinquent child. At the same time, they do not prevent inspection of law enforcement records by appropriate authorities concerned with the child.

See also section 24.

1 SECTION 56. [Children's Fingerprints, Photographs.]
 2 (a) No child under 14 years of age shall be fingerprinted in the
 3 investigation of a crime except as provided in this section. Finger-
 4 prints of a child 14 or more years of age who is referred to the
 5 court may be taken and filed by law enforcement officers in in-
 6 vestigating the commission of the following crimes: [specify such

7 crimes
 8 robbery
 9 snatchi
 10 (b)
 11 those c
 12 child sl
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 15 (c)
 16 forcem
 17 official
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