

M I N U T E S

SPECIAL COMMITTEE ON JUDICIARY-B

July 18 and 19, 1977

Room 528, State House

Members Present

Representative E. Richard Brewster, Chairman
Senator Ron Hein
Senator Joe Norvell
Senator Jim Parrish
Representative Ben Foster
Representative Mike Glover
Representative Phil Martin
Representative Kent Roth

Staff Present

Art Griggs, Revisor of Statutes Office
Phill Jones, Kansas Legislative Research Department
Paul Purcell, Kansas Legislative Research Department

Others Present

Senator Elwaine Pomeroy, Chairman of the Special Committee on Judiciary-A

July 18, 1977

Morning Session

Acting Chairman Parrish called the meeting to order at 9:00 a.m. and directed the Committee's attention to Proposal No. 37.

Proposal No. 37 - Juvenile Code

Staff reviewed memoranda, copies of which are in Committee notebooks.

Mr. James Gould, Law Enforcement Assistance Administration, was the first conferee. He stated that, in order for Kansas to qualify for federal funding under the Juvenile Justice and Delinquency Prevention Act of 1974, the state must designate the Governor's Committee on Criminal Administration as the single agency to administer and draw up a plan to be submitted to the federal government. The heart of the Act is the de-institutionalization of all status offenders within a two-year period. Approximately \$635,000 would be available to Kansas in 1978 if Kansas participates. Two-thirds of this amount would have to go to local units of government. A juvenile justice committee is required and must be comprised of 21 persons, one-third of whom are under the age of 26 at the time of appointment. A study of the present system, identifying problems and needs, would be required and the state is allowed two years to complete the study. This study can be paid for with 15 percent of the \$635,000. Escalation clauses would have to be eliminated and status offenders could not be kept in secure custody. Mr. Gould stated that the major portion of crime control money over the next few years will be spent in the area of juvenile justice. The submission date for 1978 money is July 29, 1977, but an extension may be granted. A state may withdraw from the program at anytime without obligation to repay.

The next conferee was Judge Mike Elwell, Associate District Judge of the Seventh Judicial District. He stated that a judge should have statutory authority to retain jurisdiction over juveniles after committed to SRS since, in the past, a number of serious juvenile offenders have been returned to the community after only a year or eighteen months. He noted that there were requirements in the code which actually breakdown family ties and said that it was desirable to work within the family structure especially in the case of status offenders.

The minutes of the previous meeting were approved.

Afternoon Session

Proposal No. 37 (Cont'd)

Mr. Gould stated that the federal funds could not be used for new construction, but could be used for renovation, probation staff, foster care, crises intervention, and diversion or prevention programs.

Mr. Tom Kelly, Executive Director of the Governor's Committee on Criminal Administration stated that an application for an extension had been made. He stated that it would not be possible to comply without cooperation of the counties because the money is only seed money and eventually the counties would have to take on the burden by themselves.

Dr. Merle Bolton, Commissioner of Education, said that it was important for school authorities and juvenile judges to maintain a close relationship. He said it was of particular concern to him that there was a high incident of juvenile crime among children with learning disabilities.

Mr. Jim Marshall, Director of Special Education within the Department of Education, discussed a report on learning disability programs. Mr. Ken Gentry, Department of Education, discussed Title I money.

Judge Dolan McKelvy, District Magistrate Judge of the First Judicial District, said the code should be changed to require school officials to report not only truancies but suspensions as well. He stated that statutory authorization was needed in certain cases where temporary custody was granted. Medical consents, disclosure of information to the media, and severance of parental rights in adoption cases are areas in need of attention.

Ms. Kathryn Kirigin, co-director of Achievement Place Research Project, commented briefly on juvenile delinquency and showed a film about group homes.

July 19, 1977
Morning Session

Proposal No. 37 (Continued)

Judge Bill Honeyman, Associate District Judge for the Third Judicial District, said that there was a need to change the juvenile code to cope with the serious offenders and the present inability of state courts to solve the problems. He said there is a need for more facilities for girls and young women. He noted that four or five of the dispositions authorized by the code are unrealistic since there is no funding for them and they ought to be eliminated as authorized dispositions. He believes that child abuse should be upgraded to a class B felony and that certain violent offenses should always be handled by the adult courts. He said that the legislature should give statutory authority for putting a juvenile offender to work. Many 15, 16, and 17 year old juveniles who come before the court are reading at the second to fourth grade level and they are passing through the school system when they should not be. He pointed out that the number of girls coming into the system is greatly increasing and that girls are being detained for acts that boys would never be held for, resulting in a violation of their rights. Judge Honeyman stated that he is in favor of lowering the juvenile age to 17 because it would be a deterrent to certain juveniles who would not want to be tried as an adult for their acts. He noted that only a very low percentage of juveniles have been certified as adults. He believes that all of the juvenile problems will continue unless money is directed toward prevention.

Dr. Carlos Estrada, a child psychiatrist at Topeka State Hospital and former clinical director at the Topeka Youth Center, said that the delinquent generally feels the chances of being caught are slim and generally worth taking. He stated that the Committee should forget trying to deter a juvenile from doing a particular act but instead to try to identify causes. He agreed with Judge Honeyman that the present law is no encouragement to family life and that behavior problems should be dealt with in the family through family services. He believes that status offenders and waywards should be referred to some kind of family care, that miscreants should not be institutionalized at the larger facilities, and that the Youth Centers at Beloit, Atchison, and Topeka should be reserved for delinquents. He stated that investing money in education will not cure delinquency because education will not take away anti-social tendencies. He felt that, with regard to a judicial review before release of a juvenile, attention needed to be given to both the civil rights of the juvenile and the protection of society.

Mr. Richard Mills, Shawnee County Court Services, discussed the intake process currently in use in Shawnee County. He stated that the intake services part of the code needs to be kept intact.

Ms. Karen Dunlap, Juvenile Probation Officer from the Twelfth Judicial District, stated that she has no available detention facilities, group homes or foster facilities and that there are occasions when she needs one or more of them. She believes it would be beneficial to create a Bureau of Youth Services under the Supreme Court. She recommends that laws be passed setting requirements for probation officers and for their training and also increasing the number of probation officers. She believes the court needs the option to extend the amount of time a child is detained and to be able to transfer the child to the adult system upon the child's reaching the age of majority or twenty-one years of age.

Afternoon Session

Proposal No. 37 (Continued)

Judge Steven Seyb, District Magistrate Judge of the Twenty-sixth Judicial District, said the court needs authority to work with the juvenile offender's family and also with the juvenile beyond what the code now authorizes. He stated that he has no detention facilities but needs one, and that his judicial district should have a probation officer assigned to it.

Judge Harrison Smith, Associate District Judge of the Twenty-fifth Judicial District, said that the juvenile age should be lowered to 16 years and that judges should be given statutory authority to give information about juveniles to the media. He believes that the 48 hour period should be extended to 72 hours in order to allow for weekends. He said that his district was in need of a detention facility.

Mr. Jack Pulliam, former superintendent of the Boys Industrial School, said that the judges need more alternatives than are now available to them.

After committee discussion it was agreed that compliance with requirements for federal money under the Juvenile Justice and Delinquency Prevention Act of 1974 is a proper direction in which to move.

The Chairman adjourned the meeting at 5:30 p.m.

Prepared by Paul Purcell

Approved by Committee on:

(Date)