

MINUTES OF THE House COMMITTEE ON Ways and Means

The meeting was called to order by Bill Buntten at
Chairperson

1:30 ~~am~~/p.m. on Tuesday, January 28, 1986 in room 514-S of the Capitol.

All members were present except: Representative Mainey (excused)

Committee staff present: Gloria Timmer, Legislative Research
Laura Howard, Legislative Research
Sharon Schwartz, Administrative Aide
Nadine Young, Committee Secretary

Conferees appearing before the committee:
Senator Frey
David O'Brien, Youth Services, SRS
Terry Campbell, Sheriff of Leavenworth County
Lois Jebo, Kansas Action for Children
Representative Bideau
Judge Tom Graber
Judge David Mikesic, Juvenile Court Judge, Wyandotte
County
Judge Leonard Mastroni, Legislative Chairman of the
District Magistrate Judges Association
Judge Don Allegrucci, Kansas District Judges Association
Karen Dunlap, Kansas Association of Court Services
Officers
Others present (Attachment I)

Chairman Buntten called the meeting to order at 1:30 p.m. He turned to final action on three bills that were previously heard on 1-23-86.

SB 352 -- an act concerning payment of wages; relating to assignment of claims; amending K.S.A. 44-324 and repealing the existing sections. The bill amends the wage payment act under the Department of Human Resources by expanding the act to a public employer as well as private to help resolve wage disputes. The bill also allows the Department to take assignment of claims for unpaid wages or \$10,000 at the option of the Secretary.

Representative Chronister moved that SB 352, as amended by House Committee, (Attachment II), be reported favorable for passage. Representative Shriver seconded. The motion carried.

HB 2679 -- an act concerning state educational institutions under the control and supervision of the state board of regents; relating to residence requirements for fee purposes; amending K.S.A. 76-729 and 76-730, and repealing the existing sections. The bill would reduce the 12-month residency to 6-months for paying in-state tuition.

An amendment (Attachment III) was offered which expands the domiciliary residence definition. Representative Shriver moved that the amendment be adopted. It was seconded by Representative Duncan. The motion carried.

Representative Shriver moved that HB 2679, as amended, be recommended favorable for passage. Seconded by Representative Louis. Representative Rolfs opposed the bill. Representative Shriver proposed that the bill be further amended to change the requirement back to 12 months residency and Representative Rolfs moved that this amendment be adopted. Seconded by Representative Chronister. The motion failed.

Turning back to the original motion to recommend that HB 2679, as amended, be recommended favorable for passage, the motion carried.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Ways and Means,
room 514-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, January 28, 19 86

Chairman turned to SB #2 -- an act concerning juveniles; prohibiting detention in adult jails, providing exceptions; relating to development of alternatives to detention; amending K.S.A. 75-5388 and 75-5389 and K.S.A. 1984 Supp. 8-2117, 32-110c, 38-1502, 38-1602, 38-1664 and 38-1671 and repealing the existing sections.

Representative Fuller addressed the committee as one of the sponsors of the bill and introduced the primary proponents of the bill.

Senator Frey addressed the committee and stated that he personally supports the bill and as Chairman of Senate Judiciary, said that his committee had already worked the bill and they claim ownership of the bill. He claims that the primary issue is that juveniles could have legal recourse and bring about damage suits against law enforcement officials, if they are placed in the same jail with adult offenders. (Attachment IV).

David O'Brien, Youth Services Division of SRS, appeared in support of the bill and provided written testimony (Attachment V) which contains statistical information and fiscal note data.

Terry Campbell, Sheriff of Leavenworth County, appeared in support of the bill. He said that Leavenworth does not have a juvenile jail and presently must transport their juvenile offenders to Johnson County. Mr. Campbell believes there would be social benefits as a result of the new legislation.

Lois Jebo, representing Kansas Action for Children, testified in support of the bill (Attachment VI). Her testimony proposes non-secure alternatives to juvenile detention.

OPPONENTS

Representative Bideau addressed the committee in opposition to the bill. He believes that this new standard would be impossible to comply with and would create a large liability exposure to local government, if they fail to properly interpret the new rules. (Attachment VII).

Judge Tom Graber of Sumner County also opposes SB 2, primarily because of the enormous fiscal impact.

Judge Tom Allegrucci, representing Kansas District Judges Association, addressed the committee and expressed the views of the national judges association. They do not oppose the concept, but they do stand in opposition of SB 2. He asked to go on record as saying that although his association opposes the bill, they believe that juvenile offenders should not be placed with adults.

Judge David Mikesic, Juvenile Court Judge from Wyandotte County also expressed opposition to the bill without adequate state funding to build new jails.

Judge Leonard Mastroni, Legislative Chairman of the District Magistrate Judges Association appeared before the committee and stated they agree with the philosophy, but greatly oppose the mechanics of the bill because of the potential devastating effect it would have. He stated that most counties in rural areas are already economically depressed. His association is still willing to sit down with the proponents and discuss an alternative. He does support HB 2743.

Karen Dunlap, Kansas Association of Court Service Officers, also opposes the bill, but does suggest that HB 2743 be considered and a compromise be worked out.

No action was taken this date on SB 2.

Meeting adjourned at 3:30 p.m.

Date 1-28-86

Name	Address	Representing
Thomas A. Gruber	Su. Co. Courthouse	Wellingtn Dist. Judges
LEONARD R. MASTRONI	RUSH COUNTY COURTHOUSE	DIST. MAG. JUDGES
BOB CLESTER	3601 S.W. 29 th TOPEKA	KS. SHERIFFS ASS'N
Ed Bidan	17111 Stokhouse	5th Dist. Repn.
Don Moler	League of Municipalities	Topeka
Sydney Karp	301 W. 10 th Topeka	Ofc of Judicial Admin.
Phil Magarinos	Topeka	KS. Assoc. of Ct. Ser. Offs.
Karen Dunlop	Concordia	KS. Assn of Court Services Offs.
Jim Johnson	Topeka	KS. Ass. Child Care Workers
Majorie VanBuren	Kansas Judicial Center	Office of Judicial Administ.
Michael E. Boyer	KBI	1620 Tyler
Toni Miller	Olathe, Kans.	
Rebba Reinold	"	
John Hope	Olathe, Ks.	
DAVID MIKESIC	Wy. Co. Courthouse	District Judges
Rep. Vern Williams	Sedg. Co.	self
Jim Yonally	Shannon Mission	USD #512
Dina Pennington Hales	Wakarusa	Juvenile Corrections
John L. Alton	Topeka	Associated Students of KS
Ed. Hunt	Kansas City KS	KNEAT
William P. Moore	11325 W. 75 #321 Shawnee, Ks.	KNEA-T
Alvare McCybert	10105 Edelvers ⁶⁶²⁰⁵ Shawnee, Ks.	KNEA-T

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your Committee on Ways and Means

Recommends that Senate Bill No. 352, As Amended by House
Committee

"AN ACT concerning payment of wages; concerning the definition of
employer; relating to assignment of claims; amending K.S.A.
44-313 and 44-324 and repealing the existing sections."

Be amended by adoption of amendments recommended by the House
Committee on Ways and Means during the 1985 legislative session
and the bill be passed as amended.

Chairperson

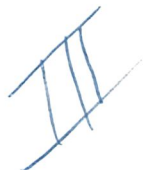
H. J. J. J.
1/28/86

Proposed Amendment to House Bill No. 2679

Be amended:

On page 1, in line 41, after "accepting", by inserting ", upon recruitment by an employer,"; in line 42, after "retaining", by inserting ", upon transfer required by an employer,"; also in line 42, after "but", by inserting "the domiciliary residence of whom"

D. J. M.
1/28/84



Sen Fry

MAJOR FEATURES OF SB 2

1. The effective date of the bill is July 1, 1987. None of these provisions would go into effect until that time.
2. Youths 14 to 18 years old found guilty of traffic offenses could not be put in jail but could be placed in secure juvenile detention centers.
3. Youths 16 and 17 years old guilty of fish and game violations could not be put in jail but could be placed in secure juvenile detention centers.
4. No alleged or adjudicated Child in Need of Care (CINC, which includes status offenders and abused or neglected youths) could be placed in jail. Protective custody would still be allowed but only in a juvenile detention center, a licensed juvenile facility sharing a jail building, or a youth residential facility.
5. Alleged juvenile offenders (charged with misdemeanor or felony type behavior) could not be detained in a jail except:
 - a. for a 6 hour period for identification, processing, and arranging transportation to a youth residential facility or juvenile detention center. The youth must be kept in quarters separate from adult prisoners during this 6 hours.
 - b. for up to 24 hours when:
 - 1) the jail is in a rural area (outside of Wyandotte, Johnson, Leavenworth, Miami, Shawnee, Douglas, Sedgwick, and Butler Counties) AND
 - 2) no acceptable alternative placement is available AND
 - 3) the jail is certified as having sight and sound separation AND
 - 4) a detention hearing is held within 24 hours.
6. Adjudicated juvenile offenders (i.e., ones awaiting an SRS placement) could not be held in jail.
7. Juveniles that COULD be detained in jail are ones who are:
 - a. being waived into adult court, once charges and a motion have been filed or
 - b. charged with the crime of aggravated juvenile delinquency or
 - c. charged with their third felony and the juvenile is over 16.
8. Traffic offenders, fish and game violators, CINC's and juvenile offenders could be held in a facility in the same building as an adult jail if:
 - a. the facility meets the licensing standards of the Kansas Department of Health and Environment AND
 - b. there is no haphazard or accidental contact between juveniles and adult prisoners AND
 - c. juvenile and adult program activities are totally separated.
9. The existing Advisory Commission on Juvenile Offender Programs "shall oversee the implementation of the mandated removal of juveniles from adult jails... and shall assist in the development of nonsecure local or regional alternatives to detention of juveniles."

JL. Fry
1/28/86



The Juvenile Jail Removal Impact Study Committee (J-RISC) is seeking ways to protect both the community and youths in new, low cost programs. Careful screening of youths can cut jailings drastically without risk.

Youths charged with minor offenses would be in emergency shelters, foster homes, close home supervision, or other programs sponsored by their own communities. Funds would come from local, state and federal sources.

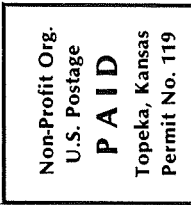
Youths charged with serious offenses still would be housed in local jails during police investigations or at juvenile detention centres equipped and staffed to handle youthful offenders. The only jail stays longer than several hours would be by youths charged in adult court with serious, violent or repeated offenses.

J-RISC is an advisory committee of concerned citizens who speak up for children, professionals who deal with youths in jail, and elected officials.

Kansas can protect youths from the dangers of jail without risk to our communities.

For more information contact:

J-RISC
c/o Kansas Action for Children
P.O. Box 463
Topeka, Kansas 66601
(913) 236-9311



J-RISC
c/o Kansas Action for Children
P.O. Box 463
Topeka, Kansas 66601



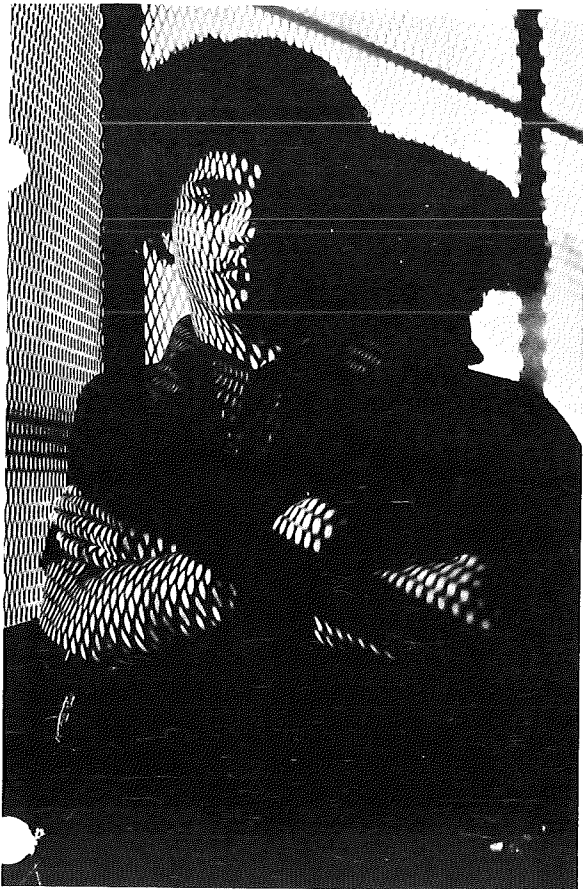
BEHIND BARS

**Juveniles
in
Jail**

Nearly 1500 Kansas youths are locked up in adult jails each year—and risk sexual attack, physical abuse, depression and suicide.

When separated from adult inmates, youths are often locked away alone in isolation cells. They may be scared and depressed. The suicide rate for youths in jail is five times that of all teenagers.

Although the law requires separate quarters for adults and youths, many local jails are unable to comply. Youths exposed to adults may become victims—or students—of adult offenders around them.



Voices from jail . . .

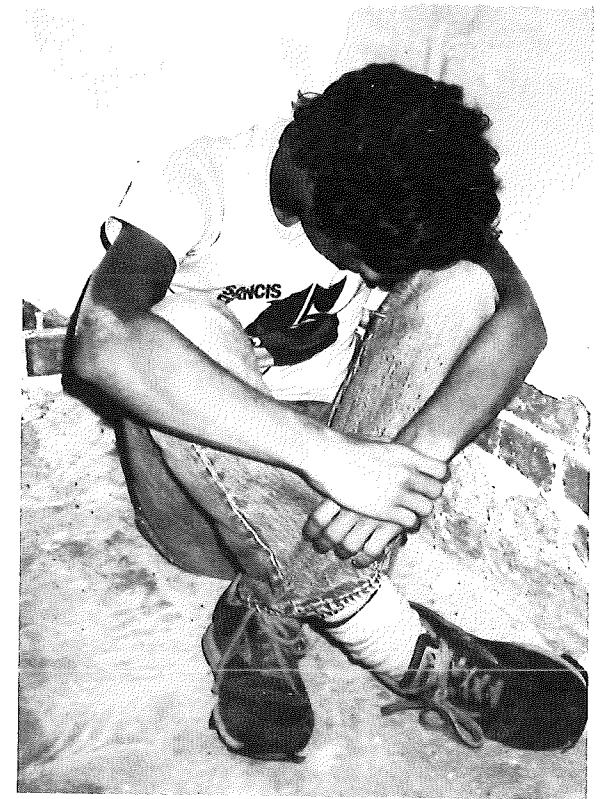
I was telling myself that I didn't care about anything anymore and this is the end of it and I only seen one way out and that was to kill myself. I had the towel wrapped up on the bar and I was talkin' to myself. I was gettin' ready to tie myself up . . .

I slept about total of eight hours out of the whole three days. Scared. I was afraid that one of them was going to jump on me . . .

Most of the people up there were sick half the time because it was no heater and it was during the winter time. They'd only allow us one wool blanket. It got cold especially at night cause it was steel walls . . .

I'd rather go outside than use the restrooms there. They wasn't clean. It was there inside the cell and it stunk awful . . .

—excerpts from interviews with youths who were in adult jails



Tragically, two-thirds of the jailed youngsters are guilty of no crime or are charged with minor offenses.

- * 17% are in "protective" custody after being abused or neglected by their parents or running away from home.
- * 19% are charged with misdemeanors such as vandalism or alcohol violations.
- * 30% are charged with non-violent felony property crimes such as theft over \$100.

Most youths were released before seeing a judge—which suggests that they weren't violent or dangerous.

JUVENILES IN JAIL IN KANSAS

*Dave O'Brien
Youth Service
Section SRS*

Summary of Data

Report from Community Research, Inc., November 1985

KANSAS

7/1/84 to 6/30/85

Total number of juveniles in jail: 1,408

Cause of Admission

Alleged juvenile offender.	48%
ABC felony	4%
Other felony	26%
Misdemeanor	16%
Alcohol	2%
Runaway	28%
In-state runaway	12%
Out-of-state	7%
Runaway from court- ordered placement	9%
CINC.	3%
(Child In Need of Care category includes status offenders and children who are abused or neglected.)	
Miscellaneous	21%
Traffic	7%
Warrant/pick-up	9%
Other	5%
<u>Total</u>	<u>100%</u>

Length of Stay in Jail

Less than 6 hours	24%
6-24 hours	26%
24-48 hours	18%
2-5 days	18%
5-30 days	12%
over 30 days	2%
<u>Total</u>	<u>100%</u>

Nature of Release

To parents or self.	59%
To other non-secure setting.	12%
To other secure setting.	26%
Other.	2%

*Z. J. M.
1/28/86*



SENATE BILL 2
FISCAL NOTE

The basic assumption of this fiscal note is that a system of grants-in-aid be established to assist local units of government in implementing the removal of juveniles from adult jails and lockups specified in Senate Bill 2. The grants-in-aid would be awarded by the Advisory Commission on Juvenile Offender Programs and administered by the Department of Social and Rehabilitation Services.

Grants-in-aid: \$340,000 would be made available during the last eight months of the fiscal year to local units of government or private organizations to provide programming for removal of juveniles from adult jails. The programming would be based upon general criteria established by the Advisory Commission, but would generally encompass any kind of removal programs deemed appropriate by local units. The geographical distribution of the grants-in-aid would be based on a plan to be devised by the Advisory Commission after a review of past jailing patterns and existing alternative resources. These funds would be in addition to the federal JJDP Act funds which are available for start-up costs of local projects. In the past the amount of these funds has varied between \$386,000 and \$253,000.

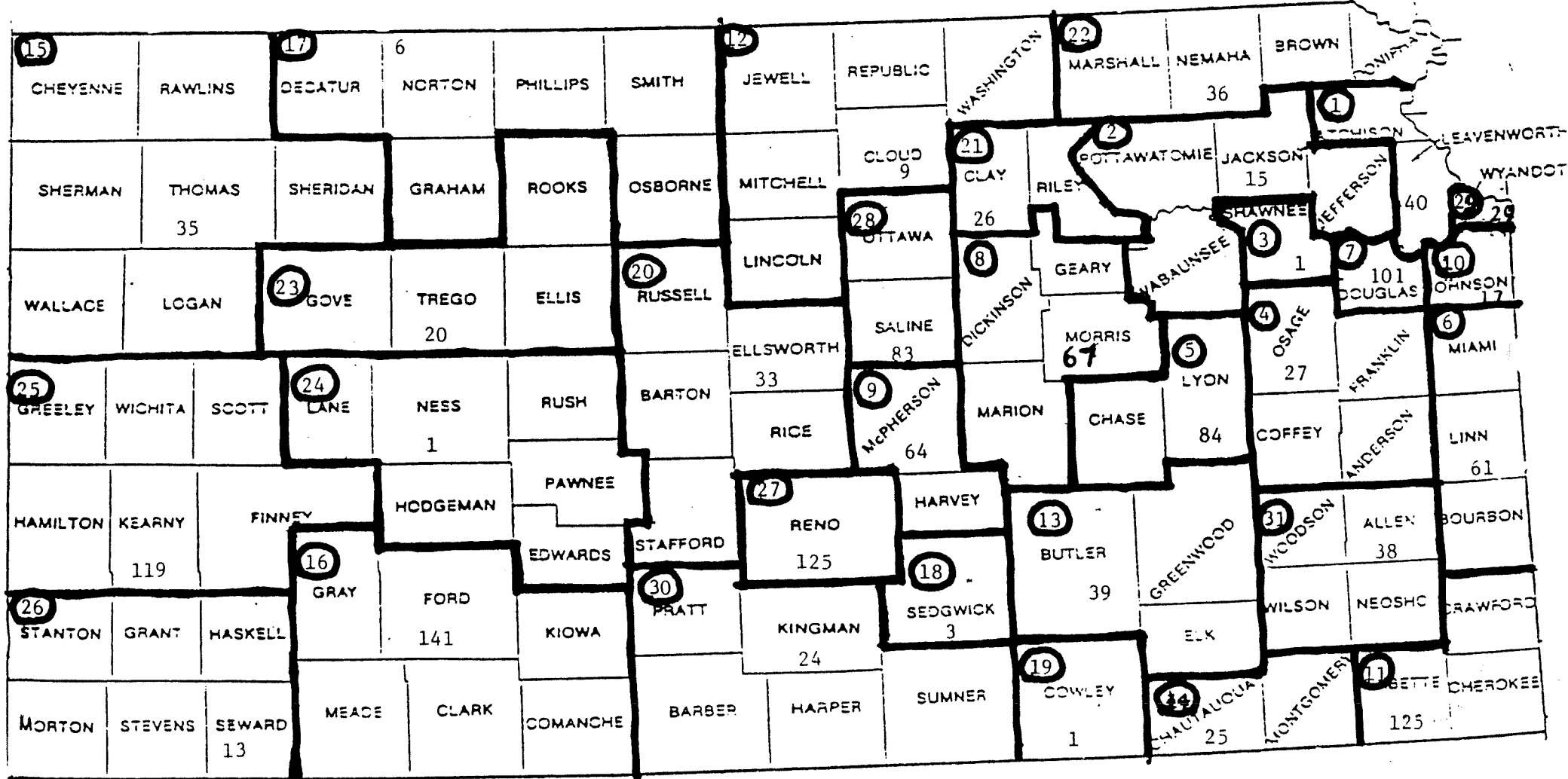
Administration: \$59,882 would be provided to the Department of Social and Rehabilitation Services to hire a very limited staff which would be responsible, in coordination with the SRS-Youth Services Grants Unit and the Advisory Commission, to (a) organize the details of implementation of the grants-in-aid program; (b) offer technical assistance to local units of government, law enforcement, courts, and other juvenile system actors on alternative types of programming (but not to include specific placement of individual youths); (c) assisting local units or agencies in preparing grant applications for funds for alternative programming; and (d) monitoring, to grant specifications, the performance of jail alternative programs. In addition, during FY 1987, \$30,000 would be provided to obtain contractual services to assist the SRS staff during the intensive activity period of the first year.

The responsibility of the Department of Social and Rehabilitation Services would be limited to the provision of general program technical assistance and grants-in-aid monitoring and would not involve the actual provision of services. Care of and decisions about placement of pre adjudicated juvenile offenders would remain the responsibility of local units of government. No role for SRS area offices is envisioned other than routine grant processing already being performed for other grant programs (proposal review, forwarding of grant awards, modifications, requests for modifications, and review of fiscal transactions).

<u>Administrative Costs:</u>	<u>FY 1987</u>	<u>FY 1988</u>
Social Service Administrator III	\$26,964	\$28,312
Secretary II	13,620	14,301
Fringe (12.4%)	5,033	5,285
Contractual Services	30,000	0
Mileage (36,000 @ 16.5¢ per mile)	5,940	5,940
Subsistence (96 days @ \$40 per day)	3,840	3,840
Supplies	<u>3,000</u>	<u>3,000</u>
	\$88,397	\$60,678
	\$ 88,397	\$ 60,678
<u>Grants-in-aid:</u>	<u>340,000</u> (8 mos)	<u>510,000</u> (12 mos)
	\$428,397	\$570,678

Figure III- Juvenile Jailings (7-1-84 to 6-30-85)

by Judicial District



SENATE BILL 2
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	\$428,397	\$570,678

Lois Jebo



Kansas Action
for Children, inc.

701 Jackson, Suite B-2
Box 463
Topeka, Kansas 66601

TESTIMONY ON SENATE BILL 2

given by

Lois Jebo, Executive Director, Kansas Action for Children, Inc.

before the

HOUSE COMMITTEE ON WAYS AND MEANS

Members of the Committee, I appreciate the opportunity of addressing you on the subject of alternatives to adult jails for juveniles arrested or otherwise detained.

If we approach the problem of how to handle juveniles currently jailed in a constructive, creative manner, workable solutions are available. While Kansas is unique, this state shares commonalities with other states and regions that have created low cost alternatives to jail. Kansas can utilize proven models for specific problem populations. Eighteen (18) other states have mandated that juveniles cannot be held in adult jails. I have attached a list of non-secure alternative used successfully by these other states to accomplish jail removal.

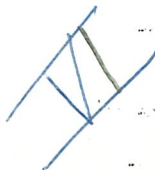
I would like to highlight the Supervised Home Detention, Youth Attendant and Face to Face Intake (see attached). The intake process may be the most essential service of those listed. By making the correct choice of alternative initially, subsequent problems may be averted.

For rural areas, transportation to both secure and non-secure alternatives is probably a necessity. Concerns about available personnel to transport youths can be addressed by contracting for this service. Neither sheriffs' deputies, nor SRS social workers have to be used.

Communities or regions may implement a system of alternatives to fit local needs through the grants-in-aid program. These alternatives are effective, and most are low cost programs.

But, there will be little incentive to create alternatives as long as Kansas allows juveniles to be incarcerated in county jails; many of which are substandard, and most of which cannot guarantee complete separation of youths from adults.

W. J. M.
1/29/86



NON-SECURE ALTERNATIVES TO JUVENILE DETENTION

This is a list of some of the many non secure alternatives to juvenile detention. Some counties or regions might need a number of the alternatives, while others would only need one or two coupled with transportation services to emergency shelter care or secure detention in another area. This list of programs and procedures is generally in order from least to most restrictive of the youth's freedom.

Juvenile Summons - Law enforcement officials order a youth to court through mechanisms similar to traffic tickets.

After-hours and Weekend Face-to-Face Intake - Intake services available around the clock to law enforcement officers for assistance in making detention or alternative placement decisions.

Transportation Services - Volunteer or paid escort for youth to non secure program in or out of county.

Crisis Intervention/Mediation - Family counseling available 24 hours a day to defuse a crisis situation and perhaps permit the child to remain in the home. This can be a procedure or a program.

Youth Advocates - Adults who spend a number of hours each week with a youth as a role model, friend, problem solver, or authority figure. The adult provides supervision and guidance while the youth remains in the home, but in a less restrictive setting than home detention. Youth advocates can be volunteers or can be paid a per diem fee.

Supervised Home Detention - The youth remains in the home under the supervision of the parent(s) and a program staff person (paid or volunteer). Rules are established and written into a contract. Personal contact takes place at least daily with the youth and regularly with the parents, teachers and employer.

Juvenile Day Treatment Program - Intensive program providing supervision in education, recreation, vocational training, drug/alcohol counseling, and family and individual counseling. Youth remains in own home.

Emergency Foster Care - Short term care in private home when the key issue is that the child cannot return home. The parents in these "time-out" homes receive training and assistance with problems, and a per diem fee.

Youth Attendant - Youth is placed at a facility that is always open 24 hours each day (e.g., fire station, hospital, ambulance station, or a room-not a cell-at a sheriff's department). Supervision is provided by a trained attendant who is on call when such an alternative is needed. Attendants can be volunteers or can receive a small stipend per placement or per hour.

Runaway/Emergency Shelters or Attention/Group Homes - An unlocked facility with full time staff to provide food, shelter, 24 hour supervision and counseling in a group living situation.

In-patient Medical Care - Access to local or regional medical care for short term psychiatric evaluation or treatment, or for drug/alcohol treatment.

EDWIN BIDEAU III
 REPRESENTATIVE, FIFTH DISTRICT
 NEOSHO COUNTY
 123 W. MAIN
 CHANUTE, KANSAS 66720-1790



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: JUDICIARY
 LABOR AND INDUSTRY
 PUBLIC HEALTH AND WELFARE

TESTIMONY OUTLINE - SENATE BILL 2

WORDING PROBLEMS AS PRESENTLY DRAFTED

New Sec. 6 (a) provides that a juvenile may not be detained or placed in **any** jail except in narrowly defined circumstances. A definition of "jail" is provided that is contradictory and confusing.

"Jail" is defined as "an adult jail or lockup". This definition may well exclude most jail facilities in the state if interpreted that a cell used on **some occasions** for adults, yet totally separated, may not in any event be used for juveniles. Many counties have detention areas providing sight and sound barriers but on some occasions use that area to detain adult female prisoners when no juveniles are present in the facility. In other words, the cells are multi-purpose depending upon need, sort of a swing bed concept. This definition might exclude such uses requiring a dedicated area solely for juveniles which might sit empty most of the time at high cost.

A juvenile detention facility may not be located in the same building as an adult jail unless the facility "meets all applicable licensure requirements". This is practically unworkable in that the state and federal jail standards change almost monthly. In addition some very minor variance might totally exclude the facility. Many brand new facilities that met standards a year ago, at great taxpayer cost, do not meet them now.

Haphazard or accidental contact, such as passing in halls when in custody and escorted by an officer, seeing someone in a waiting room, and even being in the same lobby at the courthouse, is impossible to prevent. This standard is impossible to meet if interpreted very strictly. These standards will create a large liability exposure to local units of government who fail to properly interpret them.

W. H. M.
1/28/86



SIX HOUR LIMITATION

Sec. 6 (b) provides that a juvenile **offender** may be temporarily detained in jail quarters separate from adult quarters for "not to exceed six hours and in no case overnight" unless certain criteria are met. One of the criteria is that the jail "has been certified by the secretary of corrections to provide for sight and sound separation of juveniles and incarcerated adults".

This language is contradictory and confusing. Are the compliance requirements necessary if the detention is less than six hours? If the compliance criteria are met what is the time limitation in that case?

Is detention under this section only permitted for identification and processing? What about investigation? The six hour time limit if strictly enforced is totally insufficient for a detailed investigation in a major felony case. If this limit is imposed juveniles committing serious crimes may well go free.

24 HOUR DETENTION HEARING REQUIRED

In practical terms on a major felony and/or a very hard to control juvenile, a detention hearing within 24 hours is impossible in many areas. Many courts require detailed evidence concerning the underlying offense which cannot be put together in 24 hours from original arrest. The wording in New Sec. 6 (1) gives no allowance for weekends and holidays.

It is unclear whether the detention hearing for "jail detention" is in addition to a detention hearing for detention in a juvenile detention facility under Sec. 7. This might be interpreted to require two separate detention hearings and the language should be made clear as to intent in this regard.

INTANGIBLE FACTORS

The proponents of this bill envision a large system whereby juveniles are transported to remote regional detention facilities meeting the high standards to be imposed. Perhaps the intangible disadvantages of such a system to the juvenile have not been fully considered.

Given the six hour limit, local authorities will not be able to hold on to a detainee very long before transporting. Considering a possible runaway or an offender in a lesser class offense, might not this spiriting away to a far off detention facility outside of his home town be more potentially damaging to him than retaining him in his own area?

Will the staff at the detention center in this far away place know or care as much about him as the home town court service officer? If his parents want to talk to him will they be within easy reach? What will the rest of the population in this detention center be like? Might not it be worse than in a fully segregated local jail facility with sight and sound separation? As a parent, where would you want your child?

The Attorney General's Task Force on Missing and Abused Children has recommended beefing up **local** detention options instead of restricting them. The task force cogently noted that law enforcement is very frustrated with the very difficult procedures which must be followed in juvenile cases and that this frustration contributes to the lack of response. This is an important factor in the difficulty in locating missing children. This proposal will further tie the hands of law enforcement and will further deteriorate the efficiency of the system.

FISCAL CONSIDERATIONS

The bills supporters indicate that this bill will in all likelihood require construction of separate detention facilities even in counties where relatively new jail facilities exist. They clearly place the burden of the cost of such upon the local counties in each judicial district. Given the required transportation expense and construction expense, the burden imposed on local county government is therefore significant. If the state imposes additional requirements the state should pay the bill. This proposal simply crams that burden down the throats of individual counties to bear.

When this bill went through last year a fiscal note of \$7,000,000.00 was attached. We are now told the fiscal note is under \$500,000.00. Even at seven million many of us felt that this would not begin to touch the expense required. Where did the money go? How could the fiscal note be that far off? One may suspect that the cost has been understated in order to glean support.

REASONABLE ALTERNATIVES

H.B. 2743 has just recently been introduced by Representatives Miller and Heinemann and represents a reasonable and viable alternative to S.B. 2. This proposal grants to the Secretary of Corrections the power to require abandonment of juvenile detention in any facility that does not provide proper separation, safety and sanitary conditions. The Department of Corrections is currently responsible for inspection but now has only advisory powers. I fully support this alternative. The strong points of this proposal are:

1. Places the responsibility for enforcement where it belongs with a trained jail and detention facility inspection agency.
2. No new bureaucracy or board is created.
3. Smallest possible fiscal note for state expense. Trained inspection staff presently exists.
4. Avoids the ambiguity of difficult wording as cited above, remedies any abuses under the present system yet preserves local autonomy and funding decisions.

Changes in foster care show effect

Editor's note: This is the second of three articles about a Kansas crime — the abuse and neglect of children, why efforts to fight it are at cross-purpose and how we may be breeding a new, meaner generation.)

By **DAVERANNEY**
Harris News Service

The horrors of child abuse across Kansas are slid into welfare office files like layers of skin on an old snake. New reports arrive every day. They accumulate with the others. Then they become old reports. The hardened caseworkers hardly bat an eye.

There is family rape — incest. Infants strangled, drowned, set afire. Or they may be beaten bloody — to pulp or to death. There are the teenage mothers turned whore. The fathers turned criminal. There is the steady, simple torture of neglect.

EVERY DAY in Kansas more tragedy is added to ageless anguish. Now, there is new fodder for more trouble — fallout from a federal order issued nearly six years ago: Troubled homes or abused children are not to split families in order to save either. Foster care for abused children is no

longer the first alternative to trouble at home.

The move to keep families together, no matter the effect, started with a 1980 federal order to cut dependence on foster care programs, reversing a 40-year practice of pulling children from home at the first sign of trouble.

Champions for this change said children were being left in foster care programs too long. The return of foster children to their true homes was almost impossible after stays of two to five years.

The pendulum now has swung the other way. Children today are taken from troubled homes under only the most drastic circumstances. Instead, counselors are to visit the homes.

Foster care advocates say the new policies help in some cases of abuse, but hurt many children who need earlier intervention. They say the visiting counselors help, but only scratch the surface. Deep emotional problems go untreated too long.

Worse is the suspicion that children in foster care programs are yanked early to save money.

Of the state's 1986 foster care budget, most of the \$22.7 million is

divided among 17 area offices. Each office decides how its allocation will be spent.

FIVE OFFICES — Hutchinson, Salina, Garden City, Hays and Pratt — already anticipate shortfalls before June 30, the end of the fiscal year. Projections for last year fell short by \$1.3 million and cut into 11 area offices.

About 3,600 children assigned to SRS custody are victims of neglect or abuse. They are living either at home, in a foster home, or in one of 62 residential programs.

Another 1,800 children have been declared juvenile offenders after run-ins with the law. A third of them are crowded among the 463 beds at the state youth centers in Atchison, Topeka, Beloit and Larned.

Admissions to the youth centers have increased 38 percent in the past 18 months.

Advocates say the increase is because funding for the youth centers comes from outside the area SRS offices. A repeat offender who might benefit from placement in a tougher foster care program are being sent instead to a youth center, which takes pressure off the area office's budget.

"It's possible that some of that is happening, but I doubt that finances are the deciding factors," said Ben Coates, director of SRS Juvenile Offender Programs. "Our population (at the youth centers) has gone up, but its profile hasn't changed. We're still seeing the same kinds of kids."

Coates said few juvenile offenders are referred to the youth centers without first getting a shot at foster care. In fact, figures show that most have gone through two or more placements, some as many as four.

"The important thing is that kids who need services are being served — and that is happening," Coates said. "More kids may be coming to the youth centers, but I suspect that they're borderline cases that could have easily gone either way."

Besides quicker referrals to the youth centers, program directors say SRS caseworkers are cutting corners by underestimating placement needs. Tougher kids are being put in less-structured programs that are cheaper but inappropriate. The chances for success are narrowed, making assignment to a youth center likely.

(Next: Programs or prisons?)