

Approved February 9, 1987  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at  
Chairperson

3:30 ~~am~~/p.m. on January 28, 1987 in room 519-S of the Capitol.

All members were present except: Representative Peterson who was excused

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Mary Jane Holt, Secretary

Conferees appearing before the committee:

Judge Robert L. Morrison, District Judge of the 18th District, Juvenile  
Department, Wichita  
Sarah Robinson, Director, Wichita Children's Home, Wichita  
Sally Northcutt, Executive Director, Salvation Army Booth Memorial Family  
Service Center, Wichita  
Bob Preston, United Methodist Youthville, Newton  
Dr. Barry Linden, Psychologist, Wichita  
Robert Barnum, Commissioner, Youth Services, Department of Social and  
Rehabilitation Services  
Lynn Barclay, Kansas Children's Service League

Hearing on H.B. 2006-Amendments to code for care of children

Judge Morrison stated he was testifying on this bill because he had been the Chairman of the Attorney General's Task Force on Missing and Exploited Children. This bill adds to the code of care of children the definition of a runaway child.

Judge Morrison reviewed the case of a runaway, (see Attachment I). He presented several amendments he proposed should be made to the bill. On page 9 (d) the language in lines 325, 326 and 327 should be changed to read, "Hearing. The court shall hold a hearing to determine whether the child admits or denies the allegations in the application." Lines 337 and 338 should be changed to read "and present witnesses. The guardian ad litem shall act as the child's attorney and advocate for the child in such hearings. If, upon the hearing, the court finds that the child admits having violated a". On page 10, line 341 should be changed to read "facility pursuant to subsection (e)". Strike the rest of line 341 and all of lines 342 and 343. Change subsection (e), line 344 to read, "(e) Hearing to determine violation of order; authorization. The Court", and on line 346 change 24 hours to 48 hours. Change line 347 to read "denial of the allegations in the application in the hearing held pursuant to subsection (d)". Strike line 348 and change line 349 to read "Notice of the time," (see Attachment II).

He also reviewed the changes that were made to the child in need of care by H.B. 2006.

Sarah Robinson testified in support of H.B. 2006. She stated the Wichita Children's Home is the only emergency temporary facility in Sedgwick County. She supported excluding Saturdays, Sundays and legal holidays to the 24 hours a child may be detained in a juvenile detention center. She advocated a 90 day secure confinement for chronic runaways so they can be held onto long enough to get them into a treatment program.

In response to Committee questions, Judge Morrison replied the type of secure facilities required by this bill do not exist at the present time. Health and Environment and Social and Rehabilitation Services

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,  
 room 519-S, Statehouse, at 3:30 ~~xxx~~/p.m. on January 28, 1987

regulations do not permit this type of confinement.

Sally Northcutt testified Booth Memorial is a level 5 program. Level 5 program serves children that have chronic and acute emotional and behavioral problems, poor impulse controls, difficulties in school and difficulties at home. There are seven level 5 facilities in Kansas. Booth Memorial is a long term facility. Their programs are for six to twelve months. Their experience has been a child is placed in their facility for six months. The child receives family therapy and counseling from staff social workers, and the child usually runs after 90 days. They are not able to hold onto the child long enough to complete the treatment programs. She said their funds are very limited and they spent \$55,000 last year on children that did not complete the programs. She recommended having a certain area of the facility being secure, not the entire building. She also stated only those children who had a propensity to run should be confined.

Bob Preston testified Methodist Youthville has five locations in Kansas in addition to the one at Newton. All of their facilities are open settings. He testified in support of H.B. 2006 and recommended having the ability to have a locked contained area in a cottage.

Dr. Barry Linden testified he has been in private practice since 1978 and has worked at a Mental Health Center and the Juvenile Clinic at the Juvenile Court in Wichita. He has worked with and evaluated a large number of juvenile runaways and their families. He stated he supports H.B. 2006 and especially the need for secure facilities to hold and provide treatment for runaway children, (see Attachment III).

Robert Barnum testified H.B. 2006 has a number of problems. He feels it represents a major shift in state policy away from the philosophy adopted in 1978 that children in need of care, including status offenders, should not be placed in secure facilities. New programs and facilities to house and treat children ordered into secure confinement, under this bill, would be costly. The fiscal impact is estimated to be between \$750,000 to \$3,000,000. He recommended consideration should also be given to deleting those provision which would allow the use of adult jails to house children in need of care so that the state can achieve compliance with the congressional jail removal mandate, (see Attachment IV). In response to a question from the Committee as to why there was a problem of compliance, he stated it was a technical language problem and it could probably be corrected.

Lynn Barclay testified in opposition to H.B. 2006. She stated H.B. 2006 should be replaced with a bill that addresses a very narrow population of chronic runaways. Such a bill could allow existing non-secure facilities to have a secure room or area for chronic runaways, and should specify strict restrictions on when, for whom, and for how long such a secure area could be used. She stated 90 days in a secure facility is an unacceptably long time for a troubled youth who has not been adjudicated of any crime, (see Attachment V).

The Chairman announced the hearing on HCR 5002 will be rescheduled. Notice will be given when the bill is set for rehearing.

The Committee meeting was adjourned at 5:20 p.m.

The next meeting will be Thursday, January 29, 1987 at 3:30 p.m. in room 313-S.



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STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

REPLY TO  
WICHITA SRS  
3244 EAST DOUGLAS / P.O. BOX 1620  
WICHITA, KANSAS 67201-1620

ROBERT C. HARDER, SECRETARY

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612

January 15, 1986

The Honorable Robert Morrison  
District Judge of the Eighteenth  
District - Juvenile Department  
1015 S. Minnesota  
Wichita, Ks 67211

Re: "Mary", dob 12-4-69

Dear Judge Morrison:

This letter is to inform you of the current status of Mary. I have had this case since November 4, 1985. There have been many changes in this case since this time.

Mary was placed at Barton County Youth Care in Great Bend on October 18, 1985. She ran once from this facility on 11-26-85, but was returned by the police on 11-27-85. She stayed there until 12-1-85 when she ran again and was picked up by the Great Bend Police Department. On 12-2-85, I transported Mary to Bob Johnson's Youth Shelter in Hutchinson, where she stayed until 12-12-85. She was on the run until R... O... 's foster mother called Kit Lambertz to say that Mary was at her aunt's house with some black guys and she was fearful for her safety. Mary was picked up by Tony Gallegos and Joe Mercer and transported to YRH. Due to the fact that she wasn't a J.O., she was removed from YRH on 12-31-85 and transported to the Wichita Children's Home. She ran from this facility five hours later. Charges were filed against Mary at this time because she was accused of stealing some clothes and a coat with a total value of \$110. On 1-3-86, Mary phoned this worker to report how she was and what she wanted in a placement. This phone call was traced by Detective Wasko and Mary was picked up from 611 E. 15th Street. She was placed in YRH again until 1-6-86 when it was decided that the charges against Mary would not be filed.

On 1-6-86, R... S..., Mary's old foster mother phoned this worker expressing her desire to be Mary's foster mother again. Mrs. S... lives on Beaver Lake in Arkansas. After meeting with Kit Lambertz, it was decided to place Mary at R... 's on a 30 day visit. During this time, R... was to be approved as a Foster Home in Arkansas. On 1-7-86, Mary was placed with L... H..., who is R... S... 's daughter. L... was planning on going to Arkansas on January 11th and Mary would go to R... 's at this time. But on 1-9-86, Mary ran from L... 's while she was at the dentist.

Since we have had custody of Mary she has had forty placements. She has been in mental hospitals, emergency placements, foster homes, relative placements, group homes, out of town placements and detention facilities. We do not think there is a place that Mary would remain in if she is found again. Most of the facilities are not available as options due to the fact that she runs from most of them. We are concerned that we can no longer protect Mary from herself and her own destructive ways. She continues to get involved with the same people that she was involved with before.

There is currently a pickup order on Mary that this worker filed with the Exploited and Missing Childrens Unit. We will continue to keep the police informed about Mary and any information we discover.

If you have any questions about Mary, please let me know.

Sincerely yours,

John W. Aiquest  
Area Manager

By: *Tammy McCullough*  
Tammy McCullough, LBSW

*Katherine Lambertz*  
Approved by: *[Signature]*  
(Ms) Katherine Lambertz, LMSW  
Placement Services  
KL:TM:tm

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RECEIVED APR 29 1986



STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

REPLY TO  
WICHITA SRS  
3244 EAST DOUGLAS / P.O. BOX 1620  
WICHITA, KANSAS 67201-1620

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66612

ROBERT C. HARDER, SECRETARY

April 24, 1986

The Honorable Robert Morrison  
District Judge of the Eighteenth  
District - Juvenile Department  
1015 S. Minnesota  
Wichita, Ks 67211

Re: "Mary" , dob 12-4-69

Dear Judge Morrison:

This letter is to inform you of the recent changes in the case of Mary . The last letter was dated January 15, 1986 and it described the case activities from November of 1985 to January of 1986. This letter will describe the case from the date of the last letter.

Mary was on the run from January 9th to February 10th. At this time, she was placed at Barton County Youth Center in Great Bend. She stayed in this placement for just one week. She was brought back to Wichita and placed at YRH for one day. On February 19, 1986, Mary was placed with her paternal uncle, "Pete" . She was very happy about this placement and enrolled herself in school and seemed to be doing just fine. This worker got Mary scheduled to see Mardell Moyer at the Wichita Guidance Center. She began weekly appointments on March 19, 1986. On April 1, 1986, Mary contacted this worker to say that her uncle had kicked her out and she couldn't come back to his house. Mary could not find anyone else to take her so she was placed at the Wichita Children's Home overnite. On April 3, 1986, Mary was placed with Dorothy , N. Erie. SRS was planning on licensing her as a foster home, but Mary left Dorothy's house. On April 8, 1986, Mary was placed at another friend's home, Lisa , S. Lulu. She stayed with Lisa until April 11, 1986. Then on April 13, 1986, Mary informed me that she met another "nice" lady and was staying with her. Cynthia , Jackson lives near her old boyfriend and this is how Mary met her. Cynthia is interested in becoming a foster parent, but must move into a bigger house before she can be licensed. At this point, Mary is still living with Cynthia, but is on a "visit" status. If Cynthia can afford to move into a bigger place, then SRS will attempt to license her as a foster home unless Mary moves again.

During these moves, Mary has been involved in a few situations that the court should be aware of. This worker placed Mary at WCH on April 1, 1986 at 7:00pm. On April 2, 1986, Mary failed to come home from school as was expected of her. She phoned me at home on April 2nd to say she hadn't run, but was with some friends. She wanted to go back to WCH that night, so I told her to call the police so they could pick her up. She did call the police and was readmitted to the WCH late that night.

On April 7th, Mary phoned this worker to say that three black guys were holding her in a hotel room and were planning on taking her to Texas with them. She could not give me a exact location or exact information due to the guys being in the room and listening to her. While I was talking with Mary, an old friend of hers, D. W. called with information. He had been with Mary and knew the license number and make of car that the guys were in. I contacted the EMCU and gave them the information I had. I also contacted police dispatch and gave them a report. They found Mary at 4:00am the next morning, in a motel room on North Broadway. She was placed at YRH that morning.

At this point, Mary is finding her own placements. SRS will license any that Mary stays in if they are appropriate. So far, Mary has not stayed in a place long enough for the licensing worker to make contact. Since Mary will not stay in any SRS placements, there is not much else that SRS can offer. Mary is receiving counseling on a weekly basis. She also has a medical card for any medical needs she may have. If and when Mary decides she will stay in a SRS approved placement, SRS will then find a more secure, stable place for her.

If you have any questions about Mary, please call me at 261-8421.

Sincerely yours,

John W. Alquest  
Area Manager

By: *Tammy McCullough*  
Tammy McCullough, LBSW

Approved by: *Katherine Lambertz*  
(Ms) Katherine Lambertz, LMSW  
Placement Services  
KL:TM:tm

# 3



STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

REPLY TO  
WICHITA SRS  
3244 EAST DOUGLAS / P.O. BOX 1620  
WICHITA, KANSAS 67201-1620

ROBERT C. HARDER, SECRETARY

STATE OFFICE BUILDING  
TOPEKA, KANSAS 66611

August 28, 1986

The Honorable Robert Morrison  
District Judge of the 18th District  
Juvenile Department  
1015 S. Minnesota  
Wichita, Kansas 67211

RE: "Mary"  
D.O.B. 12-4-69

Dear Judge Morrison:

This letter is written to inform you of the changes in Mary's case. The last letter dated 4-24-86 described the case activities from January of 1986 to April 1986. This letter will describe the case from the end of April 1986 to the present date.

Mary has been in six placements since April. She remained at Cynthia's until 6-2-86. This placement was far from ideal, but better than Mary being on the streets. On 4-28-86 I was informed by North High School that Mary hadn't been to school since 4-10-86. On 4-30-86 this worker met with Terry Guidry, Mary, and Cynthia about school. Mr. Guidry is the Assistant Principal. We were informed by Mr. Guidry that it would not be possible for Mary to pass any classes due to her non-attendance. We discussed summer school, Metro (alternative classes), and getting her G.E.D.

On 5-27-86 Cynthia called this worker asking that Mary be moved. Mary was "too independent". On 5-28-86 Virginia Rouse went to pick Mary up for counseling. Mary had left the previous day and hadn't returned.

On 6-2-86 Mary was placed with her maternal step-grandmother, Joanne. On 6-16-86 this worker went to Ms. 's to take Mary to Wichita Guidance Center. She had left the previous Friday, 6-13-86, and hadn't returned. Mary was again turned in as a runaway. On 6-18-86 Mary called this worker. She was staying with a "friend", but wanted me to okay her staying with her boyfriend. I advised her to return to her grandmothers.

On 7-7-86 Mary's aunt called to say Mary was with her grandmother but needed to be moved. This worker discovered that Ms. was having problems with her landlord and wanted Mary moved until she could move to a bigger place. Mary didn't want to go to Wichita Children's Home so she was placed with another friend, Cheryl. She agreed to keep Mary until her grandmother was able to do so. On 7-12-86 Mary was picked up by Wichita Police Department for trying to buy beer. No charges were filed and she was returned to Cheryl's home.



On 7-21-86 Mary returned to Cynthia 's home. This is where she remained until 7-25-86. On 7-25-86 Child Protective Services intake received a call regarding Mary. She had been staying with three guys in the same apartment complex that Cheryl lived in. They wanted her picked up and moved. The Exploited & Missing Children's Unit knew these guys as pimps. On 7-28-86 a worker went to pick Mary up but she was gone.

On 7-29-86 Mary was picked up for shoplifting at Alco on 21st and Amidon. She took hair spray, perfume, and makeup. Mary was taken to Youth Residence Hall. On 7-31-86 a detention hearing was held. Mary was adjudicated a Juvenile Offender. It was agreed upon by those involved that Youth Center at Beloit was the best placement for her.

This worker visited Mary at Youth Residence Hall on 8-6-86 and 8-12-86. Mary had accepted the fact that she was going to Beloit. I encouraged her to do her best. She will have the opportunity to receive on-going counseling. She will also be attending school on a regular basis. On 8-13-86 Mary was placed at Youth Center at Beloit. She will remain at Beloit until the staff involved feel she is ready to live in the community. I will be transferring Mary's case to Lise Van Arsdale-Hansen who is the SRS worker for Beloit.

This worker has been involved with Mary for almost one year. Mary has always had the need to be in a stable environment which would allow her to work out her problems. It seems unfortunate that Mary had to commit a crime before the agency was able to get the help she needed by being able to hold her in one place.

Sincerely,

John W. Alquest  
Area Manager

*Tammy McCullough*

Tammy McCullough, LBSW  
Social Worker, Placement Services

Approved by: *Katherine Lambertz*  
Katherine Lambertz, LMSW  
Unit Supervisor  
Placement Services

KL:TM:rm

RECEIVED SEP 3 1986

*See if 9/5/86 - ra*

0267 stances require, a child in protective custody may be placed in a  
0268 juvenile detention facility pursuant to an order of protective  
0269 custody for not to exceed 24 hours, excluding Saturdays, Sundays  
0270 and legal holidays.

0271 (d) If the court issues an order of protective custody, the court  
0272 may enter an order restraining any alleged perpetrator of physi-  
0273 cal, sexual, mental or emotional abuse of the child from residing  
0274 in the child's home; visiting, contacting, harassing or intimidat-  
0275 ing the child; or attempting to visit, contact, harass or intimidate  
0276 the child.

0277 (e) The order of protective custody shall be served on *the*  
0278 *child's parents and, any other persons having legal custody and*  
0279 *of the child and any alleged perpetrator of abuse of the child.*  
0280 *The order shall prohibit all parties from removing the child from*  
0281 *the court's jurisdiction without the court's permission.*

0282 (f) The court shall not enter an order removing a child from  
0283 the custody of a parent pursuant to this section unless the court  
0284 first finds from evidence presented by the petitioner that rea-  
0285 sonable efforts have been made to prevent or eliminate the need  
0286 for removal of the child or that an emergency exists which  
0287 threatens the safety of the child and requires the immediate  
0288 removal of the child. Such findings shall be included in any  
0289 order entered by the court.

0290 New Sec. 6. (a) *Valid court order.* During proceedings under  
0291 this code, the court may enter an order directing a child who is  
0292 the subject of the proceedings to remain in a present or future  
0293 placement if:

0294 (1) The court makes a finding that the child has previously  
0295 been willfully and voluntarily absent from: (A) The child's home  
0296 without the consent of the child's parent or other custodian; or  
0297 (B) a court ordered or designated placement, or a placement  
0298 pursuant to court order, if the absence is without the consent of  
0299 the person with whom the child is placed or, if the child is placed  
0300 in a facility, without the consent of the person in charge of such  
0301 facility or such person's designee;

0302 (2) the child and the child's guardian *ad litem* are present  
0303 before the court at the time the order is entered; and

0304 (3) the child and the child's guardian *ad litem* are given  
0305 adequate and fair warning, both orally and in writing, of the  
0306 consequences of violation of the order and a copy of such  
0307 warning is recorded in the official file of the case.

0308 (b) *Application.* Any person may file with the court a verified  
0309 application for a determination that a child has violated an order  
0310 entered pursuant to subsection (a) and for an order authorizing  
0311 the holding of such child in a secure facility as provided by this  
0312 section. Such application shall state the applicant's belief that  
0313 the child has violated a valid court order entered pursuant to  
0314 subsection (a) and the specific facts which are relied upon to  
0315 support the belief.

0316 (c) *Ex parte order.* Upon the filing of an application in  
0317 accordance with subsection (b), the court may enter *ex parte* an  
0318 order directing that the child be taken into custody and held in a  
0319 secure facility designated by the court if the court determines  
0320 that there is probable cause to believe the allegations in the  
0321 application. The order shall remain in effect for not more than 24  
0322 hours following the child's being taken into custody. The order  
0323 shall be served on the child's parents, any legal custodian of the  
0324 child and the child's guardian *ad litem*.

0325 (d) ~~Probable cause~~ *hearing.* ~~If any party to the proceedings~~  
0326 ~~contests the allegations in an application filed pursuant to sub-~~  
0327 ~~section (b), the court shall hold a hearing to determine whether~~  
0328 ~~there is probable cause to believe the allegations in the applica-~~  
0329 ~~tion. Such hearing shall be held within 24 hours following the~~  
0330 ~~child's being taken into custody. Notice of the time and place of~~  
0331 ~~such hearing shall be given orally or in writing to the child's~~  
0332 ~~parents, any legal custodian of the child and the child's guardian~~  
0333 ~~*ad litem*. At the hearing, the child shall have the right to: (A)~~  
0334 ~~Have in writing the alleged violation and the facts relied upon in~~  
0335 ~~the application; (B) a guardian *ad litem* pursuant to K.S.A.~~  
0336 ~~38-1505 and amendments thereto; and (C) the right to confront~~  
0337 ~~and present witnesses. If, upon the hearing, the court finds that~~  
0338 ~~there is probable cause to believe that the child has violated a~~  
0339 ~~valid court order entered pursuant to subsection (a), the court~~  
0340 may enter an order directing that the child be held in a secure

*the guardian ad litem shall act as the child's attorney and advocate for the child in such hearings*

Attachment II

*Restrain perpetrator by separate order + serve only that order*

*of the child and any alleged perpetrator of abuse of the child.*

*the guardian ad litem shall act as the child's attorney and advocate for the child in such hearings*

0341 facility ~~pending a hearing~~ pursuant to subsection (e), ~~but the total~~  
 0342 ~~amount of time that the child may be held in such a facility under~~  
 0343 ~~subsection (e) and this subsection shall not exceed 72 hours.~~  
 0344 (e) *Hearing <sup>to determine</sup> on violation of order; authorization.* The court  
 0345 shall hold a hearing on an application filed pursuant to subsec-  
 0346 tion (b) within <sup>48</sup> 24 hours following the child's ~~being taken into~~  
 0347 ~~custody, if a hearing is not held pursuant to subsection (d), or~~  
 0348 ~~within 72 hours following the child's being taken into custody, if~~  
 0349 ~~a hearing is held pursuant to subsection (d).~~ Notice of the time  
 0350 and place of such hearing shall be given orally or in writing to  
 0351 the child's parents, any legal custodian of the child and the  
 0352 child's guardian *ad litem*. Upon such hearing, the court may  
 0353 authorize the placement of the child in a secure facility if the  
 0354 court determines that: (1) The child is alleged or adjudicated  
 0355 to be a child in need of care pursuant to subsection (a) of K.S.A.  
 0356 38-1502 and amendments thereto;  
 0357 (2) the child has violated a valid court order entered pursuant  
 0358 to subsection (a);  
 0359 (3) the child has been provided at the hearing with the right  
 0360 to: (A) Have the alleged violation in writing and served upon the  
 0361 child a reasonable time before the hearing; (B) a hearing before  
 0362 the court on the issue of placement in a secure facility; (C) an  
 0363 explanation of the nature and consequences of the proceeding;  
 0364 (D) a guardian *ad litem* pursuant to K.S.A. 38-1505 and amend-  
 0365 ments thereto; (E) confront and present witnesses; (F) have a  
 0366 transcript or record of the proceedings; and (G) appeal; and  
 0367 (4) there is no less restrictive alternative appropriate to the  
 0368 needs of the juvenile and the community.  
 0369 The authorization to place a child in a secure facility pursuant  
 0370 to this subsection shall expire 90 days after it is issued. The court  
 0371 may grant extensions of such authorization for additional periods  
 0372 not exceeding 90 days upon rehearing pursuant to K.S.A. 38-1564  
 0373 and amendments thereto.  
 0374 (f) *Limitations on facilities used.* Nothing in this section  
 0375 shall authorize placement of a child in a juvenile detention  
 0376 facility or adult jail, except that a child may be held in a juvenile  
 0377 detention facility:

0378 (1) When ordered by a court pursuant to subsection (c) or (d),  
 0379 for not longer than the times permitted by those subsections; or  
 0380 (2) when ordered by a court pursuant to subsection (e), for  
 0381 not more than 24 hours following the hearing provided for by  
 0382 that subsection.  
 0383 (g) *Time limits, computation.* Saturdays, Sundays and legal  
 0384 holidays shall not be counted in computing any time limit  
 0385 imposed by this section.  
 0386 (h) This section shall be part of and supplemental to the  
 0387 Kansas code for care of children.  
 0388 Sec. 7. K.S.A. 38-1502, 38-1524, 38-1527, 38-1528 and 38-  
 0389 1542 are hereby repealed.  
 0390 Sec. 8. This act shall take effect and be in force from and  
 0391 after its publication in the statute book.

*Linden and Mahoney*

PSYCHOLOGY OFFICES  
1650 GEORGETOWN, SUITE 160  
WICHITA, KANSAS 67218  
(316) 686-8433

TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

HOUSE BILL 2006

January 28, 1987

Ladies and Gentlemen:

My name is Barry Linden and I am a psychologist in private practice in Wichita. I have a Ph.D. in Clinical Psychology from the University of Wyoming and am licensed in Kansas as a psychologist. I am speaking on behalf of House Bill 2006 and in particular the new section six. I have been practicing in this state since 1978 and have worked at a Mental Health Center, The Juvenile Clinic at the Juvenile Court in Wichita, and in private practice. In that time I worked with and evaluated a large number of juvenile runaways and their families. In 1976 and 1977 I was director of a federally funded runaway shelter in Laramie Wyoming. My doctoral dissertation was on the personality and family characteristics of runaway girls.

I support the bill and especially support the need for secured facilities to hold and provide treatment for runaway children. The reasons for this are the dynamics of runaway youth, the need for intervention, the consequences of running away and the lack of viable alternatives for runaway youth.

Attachment III  
House Judiciary 1/28/87

## I. The dynamics of Runaway Youth.

Very frequently children who run away are the victims of familial abuse. Such abuse includes sexual abuse, physical abuse, and emotional abuse. Many times these children are victims of parental undercontrol coupled with periods of severe and abusive overcontrol. This pattern tends to produce great insecurity and poor self control. Children who repeatedly run also tend to be immature or sometimes pseudomature. They tend to have high dependency needs even while they try to demonstrate their independence by running away. Runaways tend to be very impulsive, that is under pressure, they will tend to act quickly without thinking. This is a result of having poor self control or internal controls. Thus they tend to need others to help control their behavior until they can develop internal controls. The family controls on their behavior were obviously not effective.

Another important dynamic of runaways is that they tend to use denial and escape as their major defense mechanisms. They tend to deal with anxiety, depression, or stress by either denying it or escaping from it. When they are actually able to escape the stressful situation or the bad feelings, this method gets rewarded and strengthened and is thus more likely to occur in the future. It frequently becomes a "bad habit" in this way. When this defense is successful (i.e. it stops the stress or the bad feelings) then the children do not learn other kinds of problem solving skills that would help them cope better and learn to solve problems they will face later in life. They may then tend to use escape to solve more and more of the problems that they face. Such kinds of escape frequently include actually leaving situations (such as jobs or marriages), and alcohol or drug abuse.

Aside from the consequences of utilizing this defense, there are also other consequences of running away. The most important, which is well documented, is that runaways are frequently exploited and abused. Due to their high dependency needs and their vulnerability, they will tend to associate with or follow whoever will accept them and offer them some kind of security or affection. This may result in further abuse, sexual exploitation, and drug or alcohol abuse.

During the time of their runs, they are usually not receiving schooling and also are not resolving their problems, they are just avoiding them. They especially are not resolving their problems with their families. This will have severe consequences when they marry or have children.

## II. The Implications for Treatment

It must be apparent from these dynamics that these children must be protected, protected to some extent from their own tendencies. Now I am not talking about a six year old who ran away from home for a couple of hours. I am talking about 14 and 15 year olds who have run 4 or 5 or even 10 times, and who have run from placements. In order to overcome their problems they must receive treatment. Such treatment is most effective when it combines individual psychotherapy and family treatment. However, the frustration that we as treatment providers have with the current system is that when the treatment becomes frustrating (which it certainly can be) the children simply run again and treatment is stopped. Runaways need to be in one place long enough to face and overcome their problems.

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No one likes to face up to unpleasant facts about themselves or their families. It is much easier to simply avoid or escape the situation. However to have any chance at changing the patterns they must do this. I believe that this is the essential part of the bill for us as providers. We must keep the children in one place long enough for treatment to have some effect.

I mentioned before that runaways tend to have poor impulse control and need, for their own security feelings and behavioral control to have someone else control their behavior. This necessitates a secured facility. This does not imply jail to me, rather it is a place that will slow down escape, rather than being a maximum security facility. This will tend to make escape something that will take some time and thought, rather than something that can be done on the spur of the moment. This form of external control can begin to help children learn to stop and think things over before acting and this will control their impulsive behavior.

In addition, treatment providers must help the children find internal controls. For this we must be able to have some control over the rewards and punishments that the child gets. If they continue to be rewarded for their old problem-causing behavior then this behavior will not stop. If they are not rewarded for their attempts at positive behavior then it will not take hold. Only in a secure facility is this control over rewards and punishments possible.

### III. Alternatives

At present there are basically three alternatives we have for runaways. One is a detention facility. This does secure the child's behavior and control the system of rewards and punishments. However, it usually does not provide either individual or family therapy. It usually also cannot change the system of rewards to suit clinical or treatment needs. This kind of facility merely controls the behavior without necessarily changing it. This may be helpful to some kinds of children but not necessarily to these runaways.

Another alternative that is often used is hospitalization. Children are sometimes placed in a locked psychiatric hospital essentially for the disease of running away. This kind of facility does control the behavior, and does provide the clinical control of the reward system, and certainly provides the treatment necessary. The major problem is the cost. The cost of a psychiatric bed is in the range of \$350 per day exclusive of doctors visits and medication. Children are placed in these wards for weeks or months at a time until their behavior either settles down or the money has run out. Hospitalization is necessary for some children, and sometimes necessary for runaways until their behavior is brought under some kind of control, however, long term hospitalization is not usually necessary. The children need a secure facility and treatment and there is no other place that provides that so they are kept in the hospital as long as possible. In one hospital, St. Francis in Wichita, the average stay for an adolescent is about six weeks, primarily due to lack of viable alternatives for the child to live while treatment progresses.



The last alternative is one that is used in frustration, and that is sending the child home with the parents, essentially giving up. Frequently this is not what either the child or the parents want. This almost always leads to failure, many times to an increase in the behavioral problems and often leads to criminal behavior where the child finally commits some act for which the Court can control his behavior. Many times this is after the child has stopped being amenable to treatment. Even where the child's behavior does not get worse, the abuse that precipitated the runs may still occur.

My recommendation then, to this committee, is to give treatment providers another option to deal with these children. We need to provide these children with treatment not just detention, but we need a place to hold the children until treatment can help. We need ways to control the reward system and we need ways to do it that are cost effective. One estimated cost of a group home is in the area of \$70-80 per day. The cost of bringing in a therapist for an hour of individualized treatment every day would be \$65-75 for a total cost of less than half the hospitalization costs. If the facility would contract for the treatment it could even be less. The bill before you can provide for new types of facilities and extensions of existing facilities that can answer the problems I've outlined for you today. Thank you for your attention.

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding H.B. 2006

1. Title: An Act amending and supplementing the Kansas Code for Care of Children; amending K.S.A. 38-1502, 38-1524, 38-1527, 38-1528, and 38-1542, and repealing the existing sections.
2. Purpose: To provide a mechanism whereby runaway children could be placed in secure facilities for periods up to 90 days.
3. Background: The Attorney General's Task Force on Missing and Exploited Children studied the issue of chronic runaways and determined there are some problems which should be addressed. The Task Force failed to reach a consensus as to a solution. Various individuals gave testimony to the Special Committee on the Judiciary. Views presented to the Committee reflected the disparity of views within the state and nation on this issue. Some conferees expressed opinions that the only solution to the runaway problem is to allow juvenile authorities to lock up runners in society's and their own best interests. Others expressed views approximating the best wisdom of current national literature that locking up is counter-productive and is an expression of adult need for control, rather than what is in the best interest of the child or youth. What did not emerge from the testimony was any clear statement as to what kinds of treatment are successful if runaway youths are locked up.

The Committee also heard testimony concerning the impact of the passage of legislation involving secure confinement of children in need of care upon Kansas' continued participation in the federal Juvenile Justice and Delinquency Prevention Act: (a) After December 1988, it is impermissible to house children in need of care in jails for any length of time; (b) Status Offenders (CINC-runaways) can be housed in secure facilities (non-jail) only under very special circumstances.

4. Effect of Passage: (a) As written, H.B. 2006, does not address itself to the chronic runner, but rather allows a judge, under the Child in Need of Care Code, to place an order on any child who has been absent from home without parental permission that could result in his/her secure confinement. (b) A preliminary opinion from the Office of Juvenile Justice and Delinquency Prevention indicates that H.B. 2006, as written, violates not only the 1988 Congressional mandate for jail removal, but also the deinstitutionalization of status offender mandate with which Kansas has been in compliance for some five years. (c) New programs and facilities to house and treat children ordered into secure confinement under H.B. 2006 would be costly. The fiscal impact is estimated to be between \$750,000 and \$3,000,000.

5. SRS Recommendation: SRS recommends passage of this measure if it can be rewritten so as to apply only to chronic runaways; i.e., those who have run several times for prolonged periods. Such a rewrite targeting chronic runaways would be in line with the recommendations of the Attorney General's Task Force thinking, and would also keep the state in compliance with the federal deinstitutionalization mandate. Consideration should also be given to deleting those provisions which would allow the use of adult jails to house children in need of care so that the state can achieve compliance with the Congressional jail removal mandate. In order that appropriate programming can be instituted, a budget enhancement will be necessary, otherwise, the intent of treatment of the targeted youth cannot be realized.

Robert C. Harder  
Office of the Secretary  
Social & Rehabilitation Services  
(913)296-3271

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HB 2006  
TESTIMONY OF LYNN BARCLAY  
before House Juciciary Committee  
January 28, 1987

## Kansas Children's Service League opposes HB 2006.

Specific problems with New Section 6, starting on page 8, include:

1. The court can issue a "valid court order" on any runaway, not just on children who have been adjudicated as CINC's.
2. If anyone contests an alleged violation of the valid court order, but the court finds probable cause, the court can put the child (who has still not been adjudicated of anything) in a secure facility for up to 6 days (72 hours plus weekends plus holidays) before the final hearing.
3. At the final hearing, the court can order the child (who has still not been adjudicated of anything) to a secure facility for an unlimited period of time in renewable 90 day segments.
4. Prior to sending the child to a secure facility for the 90 day segments, the child can be held in a "juvenile detention facility" for up to 7 days (72 hours plus weekends plus holidays plus an extra 24 hours).
5. The bill would allow this 7 days of secure confinement to be in an adult jail because KSA 38-1502 defines "juvenile detention facility" as a city or county jail.
6. The only secure facilities in existence in Kansas today are jails, juvenile detention centers, and state youth centers. Thus, the renewable 90 day placement of a CINC could be in a state youth center. This reverses the state's longstanding policy of deinstitutionalization of status offenders.
7. The bill does nothing to narrow the target group to chronic runaways.
8. The bill provides no treatment whatsoever for children sent to secure facilities.
9. In the worst case scenario under this bill, a child who has run away from home twice and has never been adjudicated of anything could be sent to a state youth center for an unlimited period of time.



HB 2006 - TESTIMONY OF LYNN BARCLAY  
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Recommendation

HB 2006 should be replaced with a simple, straightforward bill that addresses a very narrow population of chronic runaways. Such a bill could allow existing non-secure facilities to have a secure room or area for chronic runaways, and should specify strict restrictions on when, for whom, and for how long such a secure area could be used. Ninety days in a secure facility is an unacceptably long time for a troubled youth who has not been adjudicated of any crime.