

Approved: January 23, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Senator Wint Winter Jr. at 10:05 a.m. on January 21, 1992 in room 514-S of the Capitol.

All members were present except:
Senators Moran and Feleciano who were excused.

Committee staff present:
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Sydney Hardman, Kansas Action for Children, Inc.
Helen Stephens, Kansas Police Officers Association
Bill Arnold, Kansas Council on Crime and Delinquency Board of Directors
Ben Coates, Kansas Sentencing Commission

Chairman Winter opened the meeting by asking for requests for introduction of legislation.

Sydney Hardman, Advocacy Coordinator of Kansas Action for Children, Inc., requests introduction of legislation to create Citizen Review Boards, also known as Foster Care Review Boards. (ATTACHMENTS 1 and 2)

Senator Parrish moved to introduce the bill as requested by Ms. Hardman. Senator Bond seconded the motion. The motion carried.

Helen Stephens, Kansas Police Officers Association and on behalf of the Kansas Chiefs and Sheriffs, requested introduction of legislation to institute a five-dollar municipal court fee on criminal and traffic cases, designated for the operation and rehabilitation of the Kansas Law Enforcement Training Center in Yoder.

Senator Bond moved to introduce the bill as requested by Ms. Stephens. Senator Kerr seconded the motion. The motion carried.

Chairman Winter turned the committee's attention SB 479 to continue staff briefings and limited hearings.

SB 479 - enacting the Kansas Sentence Guidelines Act.

Bill Arnold, Kansas Council on Crime and Delinquency Board of Directors, testified in support of SB 479. (ATTACHMENT 3)

Gordon Self, Office of Revisor of Statutes, continued his review of SB 479. (see Attachment 1 of minutes dated January 15, 1992, 3:00 p.m.)

Ben Coates, Kansas Sentencing Commission, further reviewed the KSC recommendations of SB 479. He reminded the committee that one amendment is necessary to the bill to incorporate both the KSC and 1991 Interim Special Committee on Judiciary intentions, and to resolve the concern of the Securities Exchange Commission; to adopt a special rule for crimes involving dollar amounts over \$25,000.

The hearing was continued to Wednesday, January 22, 1992 at 10:05 a.m. in Room 514-S.

The meeting was adjourned at 11:00 a.m.



Because all children need someone who cares...

**Kansas Action
for Children, inc.**

A non-profit, tax-exempt organization.

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Johannah Bryant
Executive Director

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MEMORANDUM

DATE: January 21, 1992

TO: Members of the Senate Judiciary Committee

FROM: Sydney Hardman, Advocacy Coordinator *SKH*

RE: Citizen Review Boards

Kansas Action for Children (KAC) requests a bill draft and introduction of legislation to create Citizen Review Boards (also known as Foster Care Review Boards).

HISTORY

The first review board in Kansas was established in Douglas County in 1986, by appointment of Judge Jean Shepherd. Currently, there are three boards in Douglas County, and two new boards established this month in Saline County. The boards have been very successful in Douglas County, as proven by research and information from families and professionals.

PURPOSE

The goal of the review board is to assure that systems are effective in providing services to families and that children under the supervision of the court achieve permanent homes as quickly as possible. This is both good public policy and good management of the financial resources of the state.

PROCESS

A judge appoints citizens to the board. The board can save judicial time by bringing all the parties together, reviewing the facts, and summarizing the events to date. Recommendations are sent to the judge, who makes all case decisions. The judge continues to review each case in court once a year.

PROPOSED LEGISLATION

A work group formed by KAC (list of members attached) met several times to work out the details for local review boards and a state board to review the entire system of handling children's cases. The cornerstones of the proposal are citizen input, accountability by all agencies, and better outcomes for children and families.

Senate Judiciary Committee
1-21-92
Attachment 1

8/91

**FOSTER CARE REVIEW BOARD
WORK GROUP**

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1- 3/2

PROPOSED LEGISLATION ON CITIZEN REVIEW BOARDS

(As suggested by the CRB Work Group
and
Kansas Action for Children, Inc.)

December, 1991

LOCAL CITIZEN REVIEW BOARDS

Subject to the availability of funds in the CRB fund, there shall be local Citizen Review Boards in each Judicial District, or portion of a district as needed.

FUNCTIONS

1. To review each case of a child who is the subject of a Child in Need of Care petition or who has been adjudicated CINC. Receive verbal information from all of the persons with pertinent knowledge of the case. Read materials contained in the court's files on the case.
2. Determine the progress which has been made to acquire a permanent home for the child.
3. Suggest an alternative case goal if progress has been insufficient.
4. Make recommendations to the judge regarding further actions on the case.

TIME PERIOD

The initial review may take place anytime after a petition is filed. (Encourage "early review," which is within 45 days after a petition is filed.) Review must occur within six months after the initial disposition hearing.

FREQUENCY OF REVIEWS

The CRB will review each case at least once every year.

RECOMMENDATIONS TO THE JUDGE

The judge will consider the CRB recommendations in making an order on disposition, and may incorporate the CRB recommendations into an order in lieu of having a six-month review hearing. The CRB does not take the place of the 18-month hearing in K.S.A. 38-1563 or the 12-month hearing in K.S.A. 38-1563.

CRB MEMBERS

CRB members are citizens who serve without compensation. They shall be chosen to represent the community and, as far as practicable, the various socioeconomic and ethnic groups of the area served. They shall have a special interest in children.

APPOINTMENT OF MEMBERS

Members are appointed by the Administrative Judge, or by another judge as designated by the Administrative Judge.

LENGTH OF APPOINTMENT

Length of appointment shall be for two years, and members can be re-appointed with no limit.

FREQUENCY OF MEETINGS

Each board shall meet monthly, except where the caseload determines that meetings can be less frequent, but no less than once every four months.

NUMBER OF MEMBERS PER BOARD

There shall be three to seven members on each board. At least three members must be present to review a case. Alternates can be substituted when necessary.

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1-21-92
Attachment 2

TRAINING OF MEMBERS

Members and alternates shall receive at least six ^{hours} ~~months~~ of training before reviewing a case.

PLACE OF REVIEWS

The court shall provide a place for reviews to be held. If CRB members live in a different county than the child and parents, the CRB members will travel to the county of the family's residence to hold the review.

REIMBURSEMENT FOR MILEAGE

CRB members may be reimbursed for mileage for trips out-of-county for a review. No other expenses are reimbursable.

SUBPOENA/NOTICE

Those persons whose presence is deemed necessary shall be subpoenaed to appear at CRB reviews. Parties shall receive notice.

STATE CITIZEN REVIEW BOARD

Subject to the availability of funds in the CRB fund, there shall be a State Citizen Review Board.

FUNCTIONS

1. To receive reports from local CRB's regarding the status of children under the supervision of the local courts and regarding systemic barriers to permanence for children.
2. Assure that appropriate data is maintained and compiled at least once a year by local boards on all cases reviewed.
3. Assure that the effectiveness of local boards is evaluated on an ongoing basis. Where possible, use random selection of boards and cases for such evaluation and include client outcome data to determine effectiveness.
4. Prepare an annual written report to the Supreme Court to include #1, 2, and 3 above.
5. Disseminate information regarding the status of children under court supervision whenever possible,
6. Determine the Judicial Districts to receive funding for local CRB's and the amount of such funding.

ANNUAL REPORT TO THE SUPREME COURT

The annual report to the Supreme Court shall be distributed by the Supreme Court to the following:

Governor
Legislature
All Administrative Judges
Secretary of SRS
Commissioner of Education
Secretary of the Department of Health and Environment

MEETINGS

The State CRB shall meet at least four times a year, with additional meetings on call of the Chair.

NUMBER OF MEMBERS

There shall be fifteen members.

APPOINTMENTS

The Supreme Court shall appoint all members.

LENGTH OF APPOINTMENT

Each appointment shall be for a term of three years, except for the initial appointments, which shall be as follows:

- 5 members: one year
- 5 members: two years
- 5 members: three years

No member may be appointed for consecutive terms, except those five members who are initially appointed for one year, who may be re-appointed to a second term of three years.

MEMBERSHIP

Members shall receive no compensation and shall be appointed on the basis of Kansas Congressional Districts, with three from each of the four districts, and three selected at-large.

NOMINATION OF MEMBERS

For initial appointments, all Administrative Judges will be asked to submit nominations of citizens to serve on the State CRB. Where possible, past or present members of local CRB's should be nominated.

MEMBERSHIP QUALIFICATIONS

Beginning in FY 1997, all appointments shall be past or present members of local CRB's. Nominations shall be made by local boards.

CHAIR AND VICE-CHAIR

The Chair and Vice-Chair of the State CRB shall be elected by the members to serve two-year terms.

REIMBURSEMENT OF EXPENSES

Mileage to attend State CRB meetings will be reimbursed from the CRB fund. Reimbursement for actual room and meals for state meetings will be paid from the CRB fund as needed.

THE CRB FUND

The CRB fund is created to receive funds as determined by the Legislature and to disburse them for the following purposes:

1. Compensation and benefits for State CRB Coordinator.
2. Compensation and benefits for additional State CRB staff as needed.
3. Expenses for the State CRB office.
4. Reimbursement of travel expenses by State CRB members and State CRB staff.
5. Compilation of data and printing of State CRB report, and other informational materials as needed.
6. Establishment of local CRB's. Judicial Districts apply for funding, and the following expenditures can be covered:
 - a. Local staff - CRB Coordinator(s) + clerical
 - b. Telephone
 - c. Photocopying
 - d. Mileage expenses of staff and local CRB members (as outlined on page 2)
 - e. Office, equipment, and supplies costs - but only if the local court shows that these expenses cannot be covered locally.
 - f. Training expenses for staff and citizen reviewers.

HIRING OF STAFF

The Supreme Court shall hire the State CRB Coordinator. The Administrative Judge or designee shall hire the local CRB Coordinator.

LOCAL CRB ADVISORY COMMITTEE

In those districts where there are five or more local CRB's, the members of those boards shall elect delegates to a local CRB Advisory Committee. The Advisory Committee shall meet at least twice a year, or more often on call of the Chair. It shall be responsible for:

1. Communicating concerns to the local judge(s) regarding administration of the program or the review process.
2. Sending annual (or more frequent) reports to the State CRB.
3. Assisting the local boards and staff with problems or concerns.
4. Assisting with data collection and the evaluation (if an evaluation is currently being done).

ADMINISTRATION OF THE PROGRAM

The Supreme Court shall assume responsibility for over-all administration of the CRB program and the CRB Fund, as delegated to the State CRB and the State CRB Coordinator.

COVERAGE

Local boards will be phased in upon request over a period of five years. Beginning in FY 1997, and funds permitting, every Judicial District must have CRB's. By FY 1999, and funds permitting, every child under the supervision of the court (CINC) must have his/her case reviewed annually by a CRB.

NOTE:

- The model for the administration of the program is taken from K.S.A. 7-124(b), Rules 204 and 205 (the Board for Discipline of Attorneys). The CRB Work Group felt very strongly that the Office of Judicial Administration should not be involved in order to assure the greatest amount of autonomy and ability to review the entire system.
- Statutes on review board from many other states are available at the Kansas Action for Children office. Call Sydney Hardman at 232-0550 for the statutes or other information.
- Another person very familiar with this proposal and its goals is Judge Jean Shepherd in Douglas County.

Subject: Kansas Council on Crime and Delinquency position on sentencing guidelines
From: Kansas Council on Crime and Delinquency Board of Directors
To: Kansas Senate Committee on the Judiciary
Date: 21 Jan 1992

Several different groups in Kansas began, as long ago as 1988 and 1989, to conclude that sentencing guidelines designed like those in Minnesota would be desirable in Kansas. The Kansas Council on Crime and Delinquency was among those groups, and the Council first submitted a proposal for such guidelines to this committee at the beginning of the 1989 legislative session. At that time, the Board of the KCCD recommended such guidelines primarily as a way of controlling the Kansas prison population. While such control is still the primary rationale for the Board's favoring guidelines, the work of the Kansas Sentencing Commission has demonstrated additional reasons for having guidelines on the model proposed: eliminating racial disparities in sentencing, providing reasonable calculations for personnel and facility needs for various parts of the Kansas correctional system, and making certain that the most personally threatening offenders are punished more severely than are property offenders. These rationales are entirely consistent with past positions taken by the Kansas Council on Crime and Delinquency through its ~~twenty~~ year history of advocacy of humane corrections oriented as much as possible to getting offenders to solve their problems where their problems arose, in their communities.

Certain features of sentencing guidelines must, in the view of the Kansas Council on Crime and Delinquency, be included to achieve the ends we hope guidelines will achieve:

1. The legislation must stipulate that control of prison population is a purpose of the guidelines. Our having made Community Corrections a reality throughout the state makes this an even more reasonable purpose of the guidelines than it has been in the past.
2. The Sentencing Guidelines Commission must be maintained as a continuing organization to adjust the guidelines/^{to} achieve both prison population control and sentencing equity.

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1-21-92
Attachment 3