

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on February 15, 1995 in Room 514--S of the Capitol.

All members were present except: Senator Oleen (excused)
Senator Rock (excused)
Senator Harris (excused)
Senator Bond (excused)
Senator Feleciano (excused)
Senator Vancrum (excused)
Senator Moran (excused)

Committee staff present: Michael Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Janice Brasher, Committee Secretary

Conferees appearing before the committee:
Mark Gleeson, Office of Judicial Administration
Larry Rute, Kansas Legal Service
Phil Lockmon, President, Kansas Community Correction Association
Melissa Ness, Kansas Childrens' Service League
Bruce Linhos, Kansas Association of Licensed Private Child Care Agencies
Jim Clark, County and District Attorneys' Association
Paul Oller, Vice President, The Farm Inc.
Ben Coates, Acting Commissioner, Youth and Adult Services, SRS

Others attending: See attached list

The Chairman called the meeting to order at 10:05 a.m.

SB 230--Concerning community programs and services for juvenile offenders; allocations to local juvenile intake and assessment programs; payment for offenders committed to state

SB 231--Concerning creating the Kansas children and youth authority; establishing a secretary of children and youth and a department of children and youth

Senator Petty addressed the Committee as a sponsor of **SB 230** and **SB 231**, advising the Committee that both bills are products of statewide input on juvenile offender issues over the last four years. Referring to the second sheet of the handout, Senator Petty explained how both bills would interact with recommended juvenile reform. Senator Petty referred to the second sheet, of the handout as a timeline for juvenile justice system for FY 1995, FY 1996, FY 1997 and FY 1998 with the implementation of the provisions in **SB 230** and **SB 231** using the funding appropriated through Ways and Means last year. The key element is juvenile intake and assessment, there are supreme courts rules that establish how that is to occur on a community basis. Senator Petty stated that for FY 1995 there were no statutory guidelines for the funding allocated. Senator Petty discussed the current fragmentation within the juvenile system. Senator Petty pointed out that the funding was state centralized, and the communities have few options in accessing that money for community programs. The key point of **SB 230** is to setup a fund so that local intensive sanctions can be established in the thirty-one judicial districts, based on community plans as that juvenile intake network is being funding to youth authority. Senator Petty explained how the two bills interact during the phase in period. The Senator stated that the key to both these bills is community based issues, providing funding for intake, and the implementation of youth authority which would include the juvenile offender in 1997 and in 1998-child in need of care. The Youth Authority would monitor community plans, set guidelines and provide technical assistance. While having the responsibility of youth authority, its primary purpose would be to get money into the communities for youth programs.(Attachment 1)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 15, 1995.

Mark Gleeson, Juvenile Intake Specialist, Office of Judicial Administration, addressed the Committee expressing general support with some reservations. Mr. Gleeson related two critical assumptions about the bill. First that the juvenile offender community intensive sanctions fund created by SB 230 is separate and distinct from the funding mechanism for the Kansas Juvenile Intake and Assessment System (JIAS) which was funded during the 1994 legislature. The second assumption is that the general purpose of this bill is to provide local communities with additional options for programs which provide sanctions and services juvenile offenders and that the funding for these programs would be distributed through the Kansas Supreme Court. Mr. Gleeson related that if these assumptions are correct, this bill could be supported by his office. Two areas of concern identified by Mr. Gleeson were the source of funding, and a requirement that 75% of the money distributed to local agencies would need to be reimbursed to the fund except for the most serious of offenses. Mr. Gleeson concluded by stating that SB 230 represents a creative approach to problems associated with juvenile crime by bringing the decisions and management of programs closer to the community. (Attachment 2)

Larry R. Rute, Deputy Director and Director of Litigation of Kansas Legal Services spoke as a proponent of SB 230 and SB 231. Mr. Rute stated that his organization supported the concepts found in SB 230, endorsing the juvenile intake program, and creating an expansion of the community based programs, and the partnership between the state and local communities. Mr. Rute offered a couple of recommendations. The first recommendation was to be sure that this bill clarifies the funding stream so that this money is not deluded and taken into some other areas. The second recommendation with regard to Section 4 on page 3 was to remove the 75% reimbursement to the state for the first year and require a 25% match in subsequent years. Mr. Rute stated an important feature of this bill is alternative community services thus bringing management decision to local communities which would result in lower costs.

Mr. Rute discussed SB 231 stating that this bill is the best of the proposed bills offered if a youth authority is to be established to address the juvenile offender. Mr. Rute suggested that a look needs to be taken to see how SRS is handling their systems, and if it is determined that a youth authority be established, SB 231 would be a good vehicle because this bill provides a positive focus on children and programs. Mr. Rute cited another positive feature of this bill is that it does not separate Child in Need of Care (CINC) from juvenile offenders since many juvenile offenders are also CINCS. The data collection systems development proposed by this bill was discussed as a positive feature of this bill. In conclusion, Mr. Rute offered support for the concepts and goals set forth in SB 230 and SB 231. (Attachment 3)

Phil Lockmon, Kansas Community Corrections Association spoke concerning SB 231, stating that the Kansas Community Corrections Association supports the concept of a decentralized agency for supervision of Juvenile Offenders as well as Children In Need of Care (CINC). Mr. Lockmon addressed concerns about the funding mechanism during the interim period while a youth authority in the formulation phase. Mr. Lockmon stated that the association he represents is in favor of a de-centralized youth authority with control of the residential placements, using a process to through advisory boards to get the money to the various community programs. Mr. Lockmon recommended specific language changes to SB 231 which would in effect mandate a de-centralized agency structure. In summary, Mr. Lockmon, that Kansas Community Corrections Association is in support of the youth authority as outlined in SB 231. Mr. Lockmon recommended more specific language detailing the decentralization of it. Regarding SB 230, Mr. Lockmon stated if a youth authority is enacted that it might be wiser to skip that interim transfer of the money to OJA, if that is what intended. (Attachment 4)

Issues concerning differentiating Community Corrections from Community Services and funding mechanisms were discussed by Committee members and conferees.

Bruce Linhos, Executive Director, Kansas Association of Licensed Private Child Care Agencies, spoke in support of SB 230, citing the need to increase community based options for dealing with youth. Mr. Linhos addressed concerns with the language in Section 4 of the bill dealing with the appropriation of funding for juvenile intake and assessment. Mr. Linhos suggested that the match rate required of local entities be carefully thought out and perhaps phased-in to create incentive for communities to develop programs for children.

Speaking on SB 231, Mr. Linhos stated that there are better than 7,000 children in the custody of SRS, and due to the number and diversity of the programs under SRS, the youth represent only about 10% of the agency's expenditures. Mr. Linhos expressed the opinion that priority should be on the children and that an agency singularly focused on the needs of children and representing those needs at a cabinet level would best serve the children. Mr. Linhos offered support for SB 231 in its intent to create a system in this state that can best serve the needs of the children. (Attachment 5)

Paul Oller, spoke in behalf of Farm Inc. supporting SB 230 and SB 231. Mr. Oller stated that in reading SB 230, the funding mechanisms seemed confusing, however. Referring to SB 231, Mr. Oller offered

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 15, 1995.

several recommendations. Mr. Oller's written testimony offers an overview and some specific statutory language. (Attachment 6)

Melissa Ness, Kansas Children' Service League offered comments in support of **SB 230** and **SB 231**. Regarding **SB 230**, while agreeing with the intent of **SB 230** in helping communities,, Ms Ness expressed concern that as it is written, it could jeopardize and dilute the strength of the statewide Juvenile Assessment and Intake Program expansion. Ms Ness stated support for the phasing in process outlined in **SB 231**, and encouraged those involved in developing a plan in creating the Kansas Children and Youth Authority to spend critical time necessary envisioning what a truly effective system should be, before dismantling the Youth portion of Youth and Adult Services. (Attachment 7)

Ben Coates, Acting Commissioner, Youth and Adult Services, spoke as a semi-opponent to **SB 231**. Mr. Coates posed two questions. First question, dealt with the appropriate division of labor between the state and local governments. The second question asked what role should local communities play in order to accomplish established goals. Mr. Coates suggested that the new administration needs an opportunity to conduct a comprehensive study of the impact of the restructuring before such action takes place. Mr. Coates mentioned several state departments and agencies that should be considered in restructuring of Youth Services, some of those mentioned were OJA, Department of Health and Environment, and the Corporation for Change. Mr. Coates stated that the SRS is three years into the family agenda and it is hopeful that the program will continue. Mr. Coates delineated the suggestions outlined in written testimony from the Kansas Department of Social and Rehabilitation Services Acting Secretary, Janet Schalansky. (Attachment 8)

Jim Clark, County and District Attorneys Association offered written testimony in support of **SB 231**. (Attachment 9)

Motion and second to approve minutes of January 19, 24, 26 and 27. Motion carried. Attention was called to fiscal notes on **SB 140**, and a letter from Jerry Palmer by Chairman Emert.

Meeting adjourned.

The next meeting is scheduled for February 16, 1995.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-15-95

NAME	REPRESENTING
Joe Ruskowitz	Wyandotte County Community Center
Phil Lockman	KANSAS COMMUNITY CORRECTIONS ASSOCIATION
Mark Gleeson	OJA
Paul Oller	The Farm, Inc.
Kyle Matchell	
Tracy Graybill	
Barbara Tombs	Sentencing Commission
Asc Moots	KSC
Joe Kronawitter	
Bruce Mitchell	Page
Shannon Williams	Page
Crystal Hopper	page
Bruce Lutes	KALPCCA
Paul Shelby	OJA
Kathleen Vonachen	Koch Crime Commission
Coral Dornmyer	KSBE
Shel Norris	KA EYC
Tam Roberts	KSNA
Andy Kelly	KASB

Yasmin Littlejohn - KUSA of KCS
 Day Reporting
 Dottie Lacey
 Melissa Ness > KCS

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-15

NAME	REPRESENTING
CAROL R. Bonebrake	Koch Crime Comm.
Jerry wells	Koch Crime Comm.
Cindy Denton	Koch Crime Comm.

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

**300 S.W. 10th Avenue
Room 545-N – Statehouse**

Phone 296-3181

February 14, 1995

TO: Senator Marge Petty

Office No. 422-S

RE: Juvenile Studies

The following is a list of interim committees of the Kansas Legislature that have studied juvenile offender issues since 1990.

1. 1990 Special Committee on Judiciary, report to the 1991 Legislature -- Juvenile Offenders (page 141).
2. 1991 Special Committee on Judiciary, report to the 1992 Legislature -- Juvenile Issues (page 141).
3. 1993 Senate Federal and State Affairs Committee, report to the 1994 Legislature -- Juveniles and Guns (page 94).
4. 1993 Senate Judiciary Committee, December, 1993 report to the 1994 Legislature -- Juvenile Crime and Juvenile Justice System (page 114).
5. 1993 Joint Committee on Children and Families, report to the 1994 Legislature -- Juvenile Detention and Juvenile Offender issues (pages 2-33).
6. 1994 Special Committee on Judiciary, December, 1994 report to the 1995 Legislature -- Juvenile Offender Issues (pages 2-6, 10).
7. 1994 Blue Highway Committee on Crime, Report to the 1995 Legislature.

Copies of each report are enclosed.


In addition to the Legislative Committees listed above the following are examples of other groups that either have or still are studying the juvenile crime issues:

1. Juvenile Offender Policy Conference staffed by Social and Rehabilitation Services, two-day conference in 1990

*Senate Judiciary Com.
2-15-95
Attachment 1*

2. Koch Crime Commission Juvenile Justice Committee
3. Criminal Justice Coordinating Council Task Force on Juvenile Crime
4. Juvenile Offender Advisory Council
5. Kansas Supreme Court Permanency Planning Task Force
6. Court Education and SRS Liaison Committee

I hope this is useful.


Mike Heim
Principal Analyst

MH/jar

Enclosures

ASR BY AGE AND
TYPE OF OFFENSEFROM TO
01 1994 -- 12 1994

STATE TOTALS

JUVENILE

OFFENSE	<10	10-12	13-14	15	16	17	TOTAL
Murder	0	1	7	6	8	12	34
Rape	0	1	8	13	7	8	37
Robbery	1	11	50	49	60	59	230
Aggravated Assault	15	67	145	109	117	146	599
Burglary	44	157	373	247	282	338	1,441
Larceny(Theft)	167	816	1,709	1,025	1,014	1,061	5,792
Motor Vehicle Theft	1	16	141	92	87	55	392
Arson	26	24	34	17	6	12	119
TOTAL CRIME INDEX	254	1,093	2,467	1,558	1,581	1,691	8,644
Neg. Manslaughter	0	0	0	1	0	0	1
Other Assaults	68	402	746	468	470	475	2,629
Forgery	4	0	11	12	33	24	84
Fraud	0	0	0	2	9	9	20
Embezzlement	1	1	1	2	2	3	10
Stolen Property	0	7	25	23	40	39	134
Vandalism	117	264	420	232	287	237	1,557
Weapons	6	33	118	99	127	122	505
Prostitution	0	0	0	0	0	1	1
Other Sex Offenses	6	22	42	25	22	29	146
Sale-Narcotics	0	0	2	6	10	11	29
Sale-Marijuana	0	1	18	11	19	16	65
Sale-Synth Narc	0	0	0	3	2	3	8
Sale-Other	1	0	0	0	0	0	1
SALE SUBTOTAL	1	1	20	20	31	30	103
Poss-Narcotics	0	4	10	17	26	33	90
Poss-Marijuana	1	15	107	130	204	253	710
Poss-Synth Narc	0	0	3	4	1	3	11
Poss-Other	1	0	8	6	10	6	31
POSSESSION SUBTOTAL	2	19	128	157	241	295	842
DRUG OFFENSE TOTAL	3	20	148	177	272	325	945
Bookmaking	0	0	0	0	0	0	0
Numbers	0	0	0	0	0	0	0
Other	0	0	0	1	0	2	3
GAMBLING TOTAL	0	0	0	1	0	2	3
Family Offenses	58	20	45	27	17	20	187
DWI	3	1	1	10	58	181	254
Liquor Violations	0	6	92	173	349	533	1,153
Drunkenness	0	0	0	0	0	0	0
Disorderly Conduct	25	108	355	189	222	196	1,095
Vagrancy	0	0	2	2	1	0	5
All Other	37	177	499	494	643	740	2,590
Suspicion	4	3	4	0	8	4	23
Curfew-Loitering	14	53	328	319	298	294	1,306
Runaway	20	224	983	741	664	410	3,042

Kansas Juvenile Justice Expenditures

Agency	Program or Type of Facility	FY 1994 Actual	FY 1995 GOV Rec	FY 1996 GOV Rec
State-Funded Residential Settings				
SRS	State Youth Center Expenditures	\$21,584,700	\$22,959,380	\$22,899,704
SRS	Juvenile Offender Aftercare Programs	710,344	710,344	710,344
DOC	SRS Contract for Aftercare Program	-	750,000	750,000
SRS	Juvenile Detention Fac. - Aid to Counties	309,151	1,417,245	1,500,000
SRS	Juvenile Detention Fac. - Placement Costs	555,818	1,540,193	1,540,193
DOE	Juvenile Detention Fac. - Education Costs	NA	2,020,580	2,243,340
SRS	Foster Care Group Homes	6,572,479	7,083,501	7,083,501
	Subtotal Residential	\$29,732,492	\$36,481,243	\$36,727,082
	SGF Amount	22,927,311	28,703,573	30,115,230
Community Based Settings				
SRS	Family Foster Care	Unable to separate juvenile offender costs from children in need of care costs.		
SRS	Kansas Adolscent Juv. Justice Treatment	\$125,517	\$146,040	\$5,000
SRS	Juvenile Offender Day Reporting/ISP	1,460,000	1,700,692	2,900,692
DOC	Intensive Supervision Program	309,327	3,248,700	3,248,700
	Subtotal Community Sv.	\$1,894,844	\$5,095,432	\$6,154,392
	SGF Amount	1,039,327	4,949,392	5,249,392
Intake and Assessment				
SRS	Topeka Comprehensive Screening Unit	\$1,608,586	\$2,556,266	\$2,523,064
Courts	Intake & Assessment Initiative	-	1,500,000	1,491,565
	Subtotal Intake & Assess.	\$1,608,586	\$4,056,266	\$4,014,629
	SGF Amount	1,056,460	2,803,696	2,778,328
Delinquency Prevention Programs				
SRS	Fed. Juvenile Justice & Delinq. Prevention	\$463,174	\$2,025,615	\$621,615
	Subtotal Prevention	\$463,174	\$2,025,615	\$621,615
	SGF Amount	-	-	-
Total Juvenile Justice Expenditures		\$33,699,096	\$47,658,556	\$47,517,718
Total State General Fund Amount		\$25,023,098	\$36,456,661	\$38,142,950

Federal Funding for Juvenile Offenders

✓ **Title IV-A:** IV-A Family Emergency Assistance is very flexible funding which can be used to provide preventive services to maintain children with their own family. This includes the juvenile offender population. SRS receives reimbursement (at a match rate of 52% federal/48% state) for administrative expenses related to intake/assessment activities (eligibility determination) and for services purchased on behalf of an eligible family. There is no distinction made as to how the family came to the attention of the agency. Day reporting and electronic monitoring are two services that can be purchased for juvenile offenders. This does not preclude staff purchasing other services to alleviate the emergency situation and maintain the youth in the home.

Title IV-B funds are the most flexible federal funds Kansas receives. They may be used for any costs of delivering child welfare services. With the 1994 amendments (SB 400) to the Juvenile Offender Code, juvenile offenders receiving community services are also clearly eligible for Title IV-B. The only restriction would be that they cannot be used in the Youth Centers. The match rate is 75% FFP to 25% SGF.

✓ **Title IV-E** funds may be used for juvenile offenders determined to be eligible who are receiving out-of-home care in unlocked community based facilities as long as those services are specified in the Kansas Title IV-B plan. Direct services to eligible juvenile offenders qualify for reimbursement of staff salary costs as administrative time. (Documentation of time is required). Those staff costs can be covered even in the Youth Centers. The match rate is 52% FFP to 48% SGF. Training costs are at a 75% FFP rate. Memoranda of Agreement can be negotiated to support the administrative costs of staff in other agencies who are "performing IV-E related tasks that would have been performed by the IV-E agency (SRS) staff if not done by the other agency". Again the other agency must provide documentation of time spent on IV-E services with IV-E eligible youth.

Title XIX: Juvenile offenders in the custody of the Secretary of SRS and removed from their homes are eligible for Medicaid. Thus their treatment needs (outside the Youth Centers) are covered with the medical card. The FFP on Medicaid is 60%.

JUVENILE JUSTICE REFORM

*EARLY PREVENTION & INTERVENTION, EVALUATION OF NEEDS, COURT PROCEDURES, PROGRAMS FOR THOSE MORE VIOLENT, & REINTEGRATION INTO SOCIETY.

FY 1995	FY 1996	FY 1997	FY 1998
	SB 230	SB230	SB230
JUVENILE INTAKE AND ASSESSMENT PLANNING LOCAL DEVELOPMENT TRAINING	OJA \$1.5M	JUVENILE INTENSIVE SANCTIONS FUND LOCAL INTENSIVE SANCTIONS FOR 31 JUDICIAL DISTRICTS BASED ON COMMUNITY PLANS	FUNDING TO CONTINUE
JUVENILE INTENSIVE SUPERVISION-COMMUNITY CORRECTIONS	DOC \$ 1.5M	ADMINISTERED BY OJA	
JUVENILE AFTERCARE	DOC \$ 1.7M	FUNDS ALLOCATED BY FORMULA THROUGH JUVENILE INTAKE & ASSESSMENT NETWORK	
JUVENILE AFTERCARE	SRS \$.71M		
JUVENILE AFTERCARE	DOC \$.75M		
DAY REPORTING	SRS \$ 1.7M	SB 231 GOVERNOR APPOINTS 5 PERSON AUTHORITY: RECOMMENDATIONS FOR STATUTORY CHANGES '96 SESSION: EXECUTIVE DIRECTOR FOR ONE YEAR	SB231 SECRETARY OF AUTHORITY APPOINTED JUVENILE OFFENDER COMPONENT
JUVENILE DETENTION FACILITIES	A.G./ SRS \$ 3.2M		SB231 CHILD IN NEED OF CARE COMPONENT ADDED
DETENTION EDUCATION	DOE \$ 2M		
SCREENING UNIT	SRS \$ 2.5M	PROPOSED LEGISLATION DIVERSION RETAIN 5% EDF JUVENILE CODE: CLASSIFICATION OF OFFENSE: RETURN TO JUDGE	SB231 FUNCTION OF AUTHORITY 1. FISCAL CONDUIT FOR FUNDING COMMUNITY SANCTIONS 2. MONITOR 3. SET GUIDELINES 4. PROVIDE TECHNICAL ASSISTANCE 5. STATE YOUTH FACILITIES
FOSTER CARE GROUP HOMES	SRS \$ 7M		
FAMILY FOSTER CARE	SRS ??		
JUVENILE JUSTICE & DELINQUENCY PREVENTION	OJJP \$ 2M		

*Mark Curriden, Hard Times for Bad Kids, ABA Journal, Feb. 1995, p.68: Juvenile court experts say these are the five basic aspects critical to dealing with youth crime.

Senate Judiciary Committee
Senate Bill 230
February 15, 1995

Testimony of Mark Gleeson
Juvenile Intake Specialist
Office of Judicial Administration

Mr. Chairman, members of the committee, I appreciate this opportunity to provide this testimony on Senate Bill 230. My name is Mark Gleeson and I am the Juvenile Intake Specialist with the Office of Judicial Administration (OJA). I have discussed this bill with other OJA personnel and while there are some questions on specific items in the bill, there is general support for what the bill hopes to accomplish. We appreciate Senator Petty's work in drafting this legislation.

I would like to start out by making two critical assumptions about the bill. First, we assume that the juvenile offender community intensive sanctions fund created by SB 230 is separate and distinct from the funding mechanism for the Kansas Juvenile Intake and Assessment System (JIAS) which was funded during the 1994 legislature and is currently being implemented by the Supreme Court. This is an important assumption in that the services identified in section 2(c)(1), Section 2(c)(2), the formula for the allocation of funds in Section 3(a), and the timetable for implementation in Section 3(b) appear to be substantially different from our expectation and implementation plan for JIAS.

Our second assumption is that the general purpose of this bill is to provide local communities with additional options for programs which provide sanctions and services to juvenile offenders and that the funding for these programs would be distributed through the Kansas Supreme Court. Expanding options available to the courts and communities has been a central theme of testimony provided to other legislative committees and has been a concern of judges and others working with juvenile offenders across the state for a number of years.

*Senate Judiciary Committee
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Attachment 2*

Testimony of Mark Gleeson
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If these assumptions are correct, we find little difficulty supporting the basic concept of the bill. The Kansas Supreme Court and the Office of Judicial Administration welcomed the opportunity to administer the Juvenile Intake and Assessment System. Administering the fund for the services and programs identified in the bill would be complimentary to the existing programs and services provided to juvenile offenders within the criminal justice system.

There are two areas which we would appreciate a careful review by your committee. First, there is nothing in the bill which identifies the source of funding for this bill. It would be helpful if this is clarified. Second, Section 4(a) is confusing. It appears to set forth a requirement that 75% of the money distributed to a local juvenile intake and assessment program be returned to the fund except for services provided to juvenile offenders adjudicated for the most serious of offenses. If this is correct, this would place a tremendous burden on local communities or existing agencies to fund these programs. If this is not correct, and the intent is for local programs to reimburse the state for each youth committed to the secretary for placement, then it is essential that community based sanctions be adequately funded.

You have before you a difficult task. Senate Bill 230 represents a creative approach to problems associated with juvenile crime by bringing the decisions and management of programs closer to the community. We support the direction in which this bill appears to be headed. I thank you again for the chance to address these issues. I stand for questions.

TESTIMONY OF LARRY R. RUTE
KANSAS LEGAL SERVICES, INC.
(913) 233-2068

SENATE JUDICIARY COMMITTEE

Tim Emert, Chairman
Wednesday, February 15, 1995
Room 514-South

Mr. Chairman, members of the Committee, I very much appreciate the opportunity to appear before you today concerning Senate Bill 230 and Senate Bill 231.

I am Deputy Director and Director of Litigation of Kansas Legal Services. Kansas Legal Services is a private, non-profit corporation dedicated to providing free or low cost legal services to low and moderate income Kansans. Last year our staff attorneys, located in twelve (12) field offices throughout the state, provided legal advice and representation to more than 30,000 Kansans.

Senate Bill 230

The Legislature has already devoted a great deal of time and attention to the complex issues surrounding the juvenile justice system. We support the concepts found in SB 230 including the continued endorsement of juvenile intake and assessment programs, the encouragement and expansion of community based programs, and the partnership between the state and local communities.

We do have a few specific recommendations regarding SB 230 however. First, the 1994 Legislature appropriated \$1.5 million to the Office of Judicial Administration to expand juvenile intake and assessment services to separate the violent and non violent offenders. The purpose of the intake and assessment service is to make the most appropriate placement for youth in the least restrictive environment consistent with the risk factors of the youth and the community. We support this funding and would like clarification of the funding stream in SB 230 so that the current juvenile intake and assessment program is not compromised.

Secondly, with regard to Section 4 on page 3, our local communities are asked to become players in the juvenile justice arena and reimburse the state 75% of the costs. We ask that the committee consider removing the 75% reimbursement to the state for the first year and require a 25% match in subsequent years. The counties will have the first year to develop expertise and the systems to provide alternative services and build community support essential to the success of these programs.

We are particularly supportive of the development of alternative community services. Alternative programs are less expensive and provide more appropriate placement options. I became aware of the glaring lack of alternatives to juvenile confinement through my involvement this past year as lead counsel in TY, a minor, et al. v. Board of County Commissioners, et al. This case was filed in federal district court on May 19, 1994 challenging the conditions of confinement at the Shawnee County Youth Center (SCYC) in Topeka.

Senate Judiciary Com.
2-15-95
Attachment 3

I learned that in Shawnee County, which has considerably more resources than many counties, that children processed through our overburdened juvenile court system are given few placement options: state youth centers, SCYC, the KCSL emergency shelter or home placement. I know that this committee has already heard from district court judges and other professionals that juvenile placement options in some parts of our state are virtually nonexistent.

The Division of Youth Services in Massachusetts operates a range of dispositional options that include physically secure treatment programs costing \$170 per day, staff secure placements at \$127 per day, community based group care averaging \$95 per day, non-residential outreach and tracking services at \$23 per day and day treatment programs at \$50 per day. Researchers estimate that Massachusetts saves over \$11 million annually due to extensive utilization of community based care and sparing use of secure confinement.

Senate Bill 231

There is a particular sense of urgency during this session to address juvenile offender issues as evidenced by the number of bills introduced - at last count there were eleven bills. There is also an effort to establish some form a youth authority (SB 231, SB 156 and HB 2287). Of all of these proposals, we believe that SB 231 is the most appropriate vehicle for change. This bill provides a positive focus on children and programs. Additionally, we like the fact that a period of one year has been set aside for planning. The Koch Commission is starting its second year of study and there is still a great deal of information to be collected by the Commission, the state and child advocates. This year of planning will be crucial for the establishment and success of the Children and Youth Authority.

Another positive feature of this bill is that it does not separate Child In Need Of Care (CINC) from juvenile offenders since many juvenile offenders are also CINCs. This will enable the new agency to provide better coordination of services and use funds more efficiently by providing the services within one agency.

Data collection systems are also addressed in the bill. The development of a data collection system facilitates efficient tracking of cases enabling information to be gathered in a timely manner for assessments and review. The improved system will provide information to determine the consequences of decisions and that information can be used to improve policies and programs.

In conclusion, we support the concepts and goals set forth in SB 230 and SB 231. Thank you for your attention and concern for the children of Kansas. I will be happy to answer your questions.

Respectfully Submitted,


Larry R. Rife



KANSAS COMMUNITY CORRECTIONS ASSOCIATION

February 15, 1995

TESTIMONY BEFORE THE STATE SENATE JUDICIARY COMMITTEE, CONCERNING SENATE BILLS 230 AND 231.

The Kansas Community Corrections Association appreciates this opportunity to provide our input concerning Senate Bills 230 and 231. Our association represents twenty-one local Community Corrections agencies. We are responsible for supervising 81% of the adult; 78% of the juvenile and 100% of the residential offenders in Community Corrections.

The increase in youth crime, primarily violent offenses, has come to dominate the way in which our society views youthful offenders. The association believes that all juvenile offenders should be held accountable for their criminal activity. Consequently, the juvenile justice system should be held accountable for its management of those offenders once they enter our courts, departments and agencies.

It is for these reasons that there needs to be an increased awareness on the part of these organizations that community safety is the primary objective of violent juvenile offender supervision. These violent youths are proportionately small but they perpetrate an inordinate amount of the violent offenses in Kansas and the rest of the United States. These juveniles once committed to State Youth Centers will eventually re-enter our communities. Without fully supported behavioral and educational programs in those facilities, the end result would be a breakdown in the reintegration process.

SB 231 : The Kansas Community Corrections Association supports the concept of a decentralized agency for supervision of Juvenile Offenders as well as Children in need of Care

The delivery of field supervision services (i.e. probation/intensive supervision/post release supervision) should be initiated, managed and carried out at the community level. The economic efficiency and community support enjoyed by locally managed programs, far out weigh the benefits of rigidly controlled, centrally based agencies. The flexibility in programming and delivery of services allow for a faster and more natural application of those services to the community. These youths live in neighborhoods and cities not centralized agencies. Communities, families and juvenile offenders must come to the realization that they are one in the same and that they are not isolated components of multiple bureaucracies.

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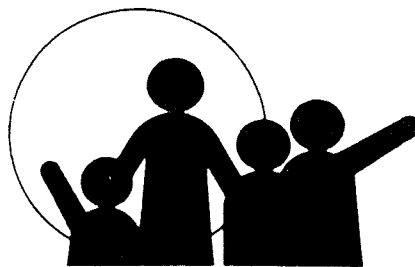
The agency could utilize a grant process to enable local units of government to develop and implement the programs that are seen by the local community as important. Local advisory boards would be the eyes and ears of the agency. These local groups would identify the needs and weigh the benefits of program implementation. The agency would have fiscal oversight and provide technical assistance as requested. Evaluations and reviews would provide data for examining the effectiveness of the local programs. Community Corrections, through its use of local advisory boards, is an example of a de-centralized delivery of services.

Our association would recommend specific language changes to Senate Bill 231 which would in effect mandate a de-centralized agency structure.

SB 230 : Currently, Community Corrections programs are providing most of the services covered under this proposed legislation. Member agencies are presently conducting intensive supervision, house arrest programs, electronic monitoring and day reporting or treatment centers. There is a great deal of confusion on our part, concerning Senate Bill 230. Member agencies would appreciate some clarification concerning what funds would be transferred into this new fund. It is our opinion that to change the existing system for a period of one year then to once again change the process when the Youth Authority becomes a free standing agency, would be unnecessarily confusing and cumbersome. If Senate Bill 231 becomes law, the manner in which juvenile funds are distributed and handled would be changed, out of necessity:

KALPCCA

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Testimony

Senate Judiciary Committee

Senate Bills 230 and 231

February 15, 1995

EXECUTIVE DIRECTOR

Bruce Linhos

Box 3658

Lawrence, Kansas 66046

913-749-2775

I appreciate the opportunity to appear before this committee this morning to talk with you about Senate Bills 230 and 231. The group that I represent is the Kansas Association of Licensed Private Child Care Agencies. Our Association is comprised of private not-for-profit, community based agencies which serve children referred by SRS or in some cases law enforcement. Member agencies provide foster care and residential treatment as well as emergency services to some of the state's neediest children. These agencies also provide a broad array of non-residential services to children and their families including services like, juvenile assessment and intake, day treatment, educational programming, in-home family services, attendant care, reintegration services, drug and alcohol services and many others geared to the needs of children and families. At any given time approximately 25% of the children our member agencies serve are juvenile offenders, with the balance being Children in Need of Care. Our interest in these two bills is related to the fact that community based private not-for-profit organizations currently provide services to a majority of children in the state's custody through their community based programming.

SB 230

In the field of child welfare and juvenile offender programs there are few things that everyone can agree on. The intent of SB 231 speaks to one of those areas on which all agree, the need to increase community based options for dealing with youth. While we strongly support the intent of this legislation I would call the committee's attention to Section 4 of the bill.

Last years legislature created funding through the Office of Judicial Administration to initiate local juvenile assessment and intake programs. Intake was lost to the juvenile justice system when we revised the juvenile code. This service had formerly provided assessment and diversion for children at the front door of the juvenile justice system, and was an integral part of that system. The recreation of community based juvenile assessment and intake programs at the close of last session and the initial funding of \$1.5 million has allowed many communities to develop programs.

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I believe that the intent of SB 230 is to expand much needed community options for children like; day reporting, intensive supervision, home based services and house arrest. The current wording of Section 4, however, could be construed to imply that in increased options communities are encouraged to provide would be funded by the monies made available for juvenile assessment and intake. I believe that through OJA we have made a good start at encouraging communities to develop juvenile assessment and I believe the current wording of this section could divert money from that initiative. I would suggest that in the wording of the bill it be made clear that the money appropriated for juvenile assessment and intake be dedicated to that purpose.

I would also comment that while we can all support the idea of local governments contributing more to programming for the problems of youth in their communities, realistically the rate of match required will determine their willingness to create the kinds of programs we would like to see available to children locally. I would suggest that the match rate required of local entities be carefully thought out and perhaps phased- in to create incentive for communities to develop this type of programming.

SB 231

Currently there are better than 7,000 children in the custody of the department of Social and Rehabilitation Services. While the care of children and youth is one of the responsibilities of the agency, they are also responsible for nursing homes, day care, rehabilitation services, adult services, MH&MR, institutions, AFDC, employment programs and of course, medical services. In an agency representing one of our largest state budgets, programs for children and youth represent only about 10% of the agencies expenditures. With such diverse responsibilities vested in one state agency I believe it is appropriate for the legislature to address the question of whether services for children should be a small piece of a large agency, or if children should be attended to by an agency singularly focused on the needs of children and representing those needs at cabinet level.

One of the contributing factors to the current state of services to children has been the level state agency collaboration, or lack there of. We who care for the states children know that if we are going to improve the system for children we are going to have to improve the way responsible agency work together.

It is our belief that any type of Youth Authority must share responsibility for both Children in Need of Care and Juvenile Offenders. Currently in the system there are 200 children who are categorized as both CINC's and JO's. People who work with these children believe that it is important that any agency created to deal with them not further fragment an already fragmented system.

Clearly it is the intent of SB 231 and the legislature to create a system in this state that can best serve our children. Phase I of the bill calls for a year to plan for the transition. We have all talked about this now for a number of years. It seems its time to get on with the planning.

Bruce Linhos
Executive Director

Senate Judiciary Committee
Senate Bill ~~220~~ and ~~221~~ 230 + 231
Testimony on Behalf of the Farm Inc.
Paul Oller, Vice President

Committee Members:

On behalf of The Farm Inc. I am providing to you comments and suggestions for amendment to the current Senate Bills 230 and 231.

Those of us who work on a day to day basis in the juvenile justice arena are aware that the current system of delivery of services to youth and their families is critically in need of change. The two bills which are currently before this committee are the best efforts this State has made to make the needed changes. We must return to the communities the tools necessary and the responsibility to either mend families and correct juvenile delinquency or in the alternative to terminate parent/ child relationships which are abusive or in which the parent is unable or unwilling to assume basic parental responsibility.

The current system will not allow for the needed changes to take place. In the private sector the founder of the total quality revolution Mr. Demming summarized that the problem was not that America lacked quality people to do the work, what it lacked was a system to allow those people to do their job. In many ways the current juvenile system both regarding children in need of care and juvenile offenders mirrors these difficulties. We can better meet head on the issues in juvenile delinquency, abuse and neglect. We can return to a time in which children and youth are valued for their victories and praised for accomplishments. We can have

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communities where the schoolhouse be able to provide the basic educational skills so that our children can compete in the job market and our parks can provide a safe and secure place for our children to play. In order for this to happen we must return to our communities the resources necessary to carry out this mission. Partnerships must be formed between judges, regional youth authorities, foster care review teams and private providers. Funding then needs to go to those partnerships based upon need and quality of services. The following is recommended. Where appropriate specific page and line number changes are suggested as attachments to this testimony.

Consolidation of Health and Environment with the Department of Children and Youth:

1. It is vitally important that the licensure of all child care facilities in any way connected to children and youth be transferred from the Department of Health and Environment to the Secretary of Children and Youth.

No man can serve two masters. The goal of the creation of a youth authority is so that youth services can be more efficiently and effectively delivered to the youth through the community. Although basic health and sanitation issues must be addressed, the Department of Health and Environment is ineffective in meeting its mission. This is particularly true when the department relies on regulations and inspections to accomplish their goal, but loses the true concept of measuring the end results of quality of care.

Return the Responsibility of The Custody of Children to The Community.

2. The responsibility for children in need of care must remain with the local community. It is recommended that if a child is to be placed in an out of home placement that these actions be made by the judge by recommendation of a foster care review board. The responsibility of the youth remains with the judge. Placements are made directly by the judge through the Regional Youth Authority. The responsibility of the Secretary shifts from being custodian of the youth to providing the necessary funding for the out of home placement and to monitor the facilities to assure that they are meeting the objectives which the out of home placement has set. The Foster care Review Teams, the Regional Youth Authority and The Judge likewise have responsibilities for those youth who remain within the home but are being provided services.

3. Child Abuse Investigations:

Currently both SRS and Law Enforcement are jointly responsible for the investigation of child abuse. Rather than require that two agencies do the investigation we need to reclaim the tax monies spent on the Department of Social and Rehabilitation Services investigations and redistribute those to law enforcement for investigation and prosecution of these actions. Child abuse is a criminal action. We need to allow the police and prosecutors to do their job. The role of SRS in these investigations is particularly troublesome. I suggest that the financial resources which are currently wasted in this duplication of human resources

be recaptured and redirected to local law enforcement, the Attorney Generals office and local youth authorities. By doing this more resources are available so that, where the abuse is within the family sector, services can be provided to either repair the damage and provide support services or prosecution can commence to assure the child a secure safe environment in another home. In all other cases resources are available to assure timely investigation and prosecution of offenders.

4. Incarceration of the Violent Offender.

It is suggested that in cases where a youth has committed a violent offense the Judge, upon notification that the youth has completed the youth center program can order a hearing at which the judge may continue the Youth Center Placement until the Youth reaches the age of at least 18 and continue incarceration following the Youth Center with the Secretary of the Department of Corrections up until the youth's 27th birthday.

Changes recommended Senate Bill 231

Page 2

Line 34: ...control of [(add) the] children
34: ..foster care children [(add), who have previously been placed in the custody of SRS.]

Line 37 & 38 (delete and replace with)
(a) Aid and assist local communities in the intake and assessment of Children in Need of Care, development of community and regional based services for Children in Need of Care and their families, and to provide funding for out of home placements and Family Support Services ordered by the District Courts and administrated through a regional youth authority.

Page 3

Line 7:placements [(add) for juvenile offenders] such as....

Line 31:their local [(add) youth]

Page 19

Line 16: ...be made to (delete rest of line)
Line 17: delete complete line
Line 18: (delete to made to the) [(add) an] appropriate law
Line 19: ...agency. (delete rest of line)
Line 20: delete complete line
Line 21: delete complete line
Line 22: delete complete line
Line 23: delete complete line
Line 24: delete complete line

Line 29: ...attorney general [(delete). All (add) and any] other
Line 30: ...or neglect (delete rest of line)
Line 31: delete complete line
Line 32: delete complete line
Line 33: delete complete line
(replace with) may be reported to the attorney general's office.

Line 40: delete complete line
Line 41: [(delete) and youth and (add) all] law enforcement

Page 20

Line 1: ...neglect. If (delete rest of line)
Line 3: ...be considered, (delete rest of line)
Line 5: (delete complete line, replace with) County or District Attorney.
Line 6: ...(b) [(delete) Joint investigations.

Line 9: ...the child (delete rest of line)
Line 10: delete complete line
Line 11: delete complete line
Line 12: delete complete line
Line 13: delete complete line
Line 14: delete complete line
Line 15: delete complete line
(replace with) the County or District Attorney shall forth with file a Child in Need of Care petition and seek such injunctive orders as are appropriate to protect the child.

Line 16 - 35 (delete all and replace with)
(c) *Investigation of certain cases.* In a case in which a law enforcement officer is connected with child abuse and in any case where a local law enforcement agency refuses investigation or requests assistance in the investigation, a prosecutor of child abuse an agent under the direction of the attorney general's office shall make an inquiry into the circumstances and nature of the allegation and investigation and may fully investigate and cause to be prosecuted by the attorney awards office such case.

(d) That portion of the budget currently directed for the investigation and prosecution of child abuse under the secretary of the department of Social and Rehabilitation Services is hereby set over to the office of the attorney general for the following purposes:

1. Investigation and prosecution of child abuse actions initiated by the attorney general office.
2. Operation of statewide child abuse hotline.
3. Provide grant policy for local law enforcement agencies to assist in education investigation and prosecution of child abuse.
4. To local juvenile youth authorities for education in the early identification of families in crisis education and protection of child abuse.

Line 37 ...secondary schools, (delete rest of line)
Line 38 [(delete to)...youth and] law
Line 41 ...provide to (delete rest of line)
Line 42 [(delete to)..youth and] law

(Cont. - Page 3 - Sen. Bill 231)

Page 21

Line 6 ..(h) [(delete to) ..designee or] (change a to A)

Page 22

Line 29 delete complete line
Line 30 (delete) or the

Page 24

Line 29 - 43 Delete complete section

Page 25

Line 6 ..enforcement agency (delete rest of line)
Line 7 (delete) children and youth

Line 14 Delete complete line

Line 22 ...(a)Whenever [(delete rest of line)]
Line 23 delete complete line
Line 24 (delete first work) son
(replace with) a law enforcement officer

Line 26 (delete last word) de
Line 27 (delete) partment
(replace with) officer

Page 26

Line 9 Delete starting with ... (Upon the filing.....)
Line 10 delete complete line
Line 11 delete complete line
Line 12 delete complete line
Line 13 (delete to)to the court.

Page 27

Line 8 delete and replace with: (3) a licensed shelter or residential facility

Line 9 delete and replace with: (4) a foster care provider as defined by KSA 65, Article 5

Line 17 delete (to the secretary) replace with [pursuit to sec (d) (s)]

Line 18/22 delete and replace with:

(1) The placement shall be made upon the recommendations of a youth foster care review board operating under the direction of a local regional advisory authority and with the consent by the shelter or residential facility to the district court's jurisdiction.

(2) Shall specify the terms and conditions of the custodial arrangement including objectives for the youth and family, payment terms to the facility and review schedules by the court.

Page 28

Line 39 delete If the child

Line 40 delete complete office

Line 41 delete (submitted by the secretary)

Line 42 [(delete) other than the secretary]

Line 43 (delete) a court service officer (replace with) the person having custody of the child.

Page 29

Line 1/13 Delete complete section

Line 14 Delete (child's guardian ad litem)

Line 15 ...goals of the [(add) court's] plan

...plan and [(delete) the foster parent report and]

Line 17 ...(c). [(delete) If the secretary]

Line 18 [(delete) has custody of the child,] (change such to) Such

Line 20 ...of the plan [(delete) submitted pursuant to]

Line 21 (delete) subsection (a)

Line 41 Delete complete line

Line 42 Delete complete line

Line 43 (Delete) ments thereto,



Kansas
Children's
Service League

mess

**TESTIMONY BEFORE THE SENATE JUDICIARY
RE: SB 230 AND 231**

Submitted by Kansas Children's Service League

"My name is William. For those who won't know me, my case number is J-957439. That way you can look me up...they [told] me I was a fostered kid for the first time. So you look it up in the dictionary, and it's a substitute for something. So...you're 13, you're thinking, I'm a substitute for a kid. I mean, I'm not a kid anymore, I'm only a substitute for it."

Beyond Rhetoric: A New American Agenda for Children and Families, National Commission on Children 1991

KANSAS CHILDREN'S SERVICE LEAGUE is a statewide agency whose mission is to "promote the well being of children by strengthening the quality of their family life through the provision of prevention, early intervention, treatment, advocacy and placement services."¹

We appear today because many, if not most, of the children we serve have some contact with the court or child welfare system. By way of example, KCSL maintains two emergency shelters, one for children and one for youths. We have a nationally recognized Juvenile Assessment and Intake Program which serves as an important gatekeeper for children and youth facing crisis. And, for those children who cannot remain safely at home, we provide emergency foster care services.

As public debate escalates and needs of the population of people we serve increase, we recognize the urgency reflected in the need to redesign this service delivery system.

What reason should drive the need for this system reform?

Quite possibly, the most important component of system change, and the one that receives relatively little attention, is the way we think about the people we serve. We will support an effort of this nature and contribute what we can to designing a more efficient system, if the intent is to better serve children and families. We acknowledge there must be a balance between protection of the public and ensuring children and families in trouble get the services they need. **However, children and youth must remain the focus in any plan and system developed to serve them.**

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MANHATTAN
SCOTT CITY
ULYSSES

100 YEARS
OF SERVICE
TO CHILDREN



SB 230: The Allocations Mechanism

The integrity of Juvenile Assessment and Intake Service as a gatekeeping mechanism must be maintained.

In Shawnee County, Kansas Children's Service League delivers this service through our youth shelter. The primary goal of Juvenile Assessment and Intake is to divert children and youth from unnecessary inappropriate placement through the provision of mediate services to the youth and families. The number of youth seen through our Juvenile Assessment and Intake Service number 764 in 1994.

Last year, the Legislature allocated \$1.5 million to establish a uniform, statewide Juvenile Assessment and Intake Program. Development of this program signals a commitment to assessing the needs of youth and connecting those needs with appropriate community based services.

¹ The League is a Charter member of the child Welfare League of America, is accredited by the Council on Accreditation of Service for Children and Families, a member of the KS. Association of Licensed Private Child Care Agencies, the Coalition for America's Children and a found member of the Children's Coalition.

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It is relatively clear, the intent of this bill is to help communities recognize their obligation to serve youth in their community and to provide community based services. However, as written it could jeopardize and dilute the strength of the statewide Juvenile Assessment and Intake Program expansion which is a critical component in assisting with those service determinations. The bill should focus on developing a mechanism to assist communities or provide incentives and alternatives. We have only to look at the needs of our shelter population to know where the gaps are in service delivery for these youth in Shawnee Co. Services such as case management, attendant care, structured group home settings are examples of the types of services needed for our current population. Juvenile Assessment and Intake Programs can effectively prevent unnecessary removal of children from their homes if the right services exist.

SB 231 An Act Creating the Kansas Children and Youth Authority

We support the development of a plan as outlined in SB 230.

It is no secret that many of us believe the current system and its existing format, does not allow us to adequately measure outcomes. It lacks efficiencies in timely service delivery and does not provide the range of service choices necessary for the children for whom we are responsible for caring. We also know that many of the children contacting the state system are juvenile offenders as well as children in need of care. In a new or redesigned system, such as this we support the inclusion of juvenile offenders and children in need of care.

Most important, before a new system is put online a plan must be clearly articulated. We support the phasing in process outlined in SB 230. The plan should include specific steps for implementation, funding mechanisms, and should bring the right players to the table including, SRS, KDHE, Education, the Court, the Corporation for Change and service providers.

The elements of the system outlined in this plan should speak to: coordinated information systems; more efficient and flexible use of dollars in the community; defined outcomes; a range of service options; and a focus on prevention. All of this speaks to a system that must be flexible.

Finally, we would caution against mistaking administrative reorganization for true progress. We encourage those involved in developing the plan to spend the critical time necessary envisioning what a truly effective system should look like before we turn the lights out on the Youth portion of Youth and Adult Services.

Presented by: Melissa Ness JD, MSW

SB 231

Cooper

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Janet Schalansky, Acting Secretary

Senate Judiciary Committee
Testimony on Senate Bill 231

February 15, 1995

Mr. Chairman and members of the committee. Thank you for the opportunity to appear and testify about concerns SRS has regarding Senate Bill 231. Senate Bill 231 creates a Cabinet level Department of Children and Youth administered by a Secretary of Children and Youth with advise from the Children and Youth Authority.

Senate Bill 231 transfers responsibilities currently being carried out by SRS, Youth and Adult Services Commission to the Department of Children and Youth. We recommend a thorough study of what the state's role should be in the delivery of services to families, juvenile offenders and children in need of care. Further, we recommend an assessment of what role local communities should play in order to accomplish established goals. Once consensus is reached about what constitutes appropriate state and community roles in the delivery of services, then decisions should be made as to the need for a separate state agency, but at this time any decision is premature.

The new administration needs an opportunity to conduct a comprehensive study of the impact of the restructuring before such an action takes place. The following issues should be taken into consideration:

- * The organization should enhance the implementation of the Kansas Family Agenda.
- * The scope of mission of a State Department of Children and Youth should be broader than programs currently assigned to SRS. Programs in other agencies should be considered as well.
- * What federal funding mandates would enable the new state agency to maximize federal monies.
- * How would the potential loss of federal monies resulting from agency restructuring be replaced by state general fund monies.
- * How should agency restructuring take place.
- * What administrative support services and facilities are necessary.
- * What changes in the Children In Need of Care Code and Juvenile Offender Code are necessary to implement the vision for service delivery to children, youth and families.
- * What federal planning efforts involving state agencies and local communities should take place.

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Testimony SB-231

Page two

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- * The legislative intent of separating foster children from Children In Need Of Care and Juvenile Offender Codes is unclear and should be discussed and brought forward in any enabling legislation of a state agency.
- * What is the relationship between this legislation and other legislation and its impact on service delivery such as the creation of a fund for juvenile offender services (Senate Bill 230) which seems to create another service delivery system not envisioned in Senate Bill 231.

Thank you for the opportunity to address you today.

Ben Coates, Acting Commissioner
Youth and Adult Services
(913) 296-3284

8-2

8-2

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2/15/95

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EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

Testimony in Support of

SENATE BILL NO. 231

The Kansas County and District Attorneys Association supports SB 231, which creates a separate agency for children and youth. The idea of removing juveniles, especially offenders, from SRS is an idea whose time is long overdue.

While we support any effort^{ver} to remove juvenile offenders from SRS, we also question the removal of both childⁱⁿ in need of care and juvenile offenders. While we recognize the line between an abused child and an offender is a fine one: often only a question of time or situation, the response to the two needs to be different. For that reason, and for the more practical consideration that this Legislature will only respond incrementally to the problem, we do favor a separate agency for juvenile offenders only. This agency with limited jurisdiction would receive heightened scrutiny over its narrow range of responsibilities, both in budget and competency determinations. This scrutiny should enable it to concentrate on developing secure facilities for more violent offenders as well as local programs for the less-violent.

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