



State of Kansas

Office of Judicial Administration

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House Committee on Children and Families

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Testimony in Opposition to HB 2542

Mark Gleeson

Thank you for the opportunity to testify in opposition to House Bill 2542. My name is Mark Gleeson, and I am the Director of Trial Court Programs for the Office of Judicial Administration. As part of my duties, I am responsible for the administration of Citizen Review Boards (CRBs) in Kansas. One of my staff members, Frayna Scrinopskie, provides direct oversight over the 10 CRB programs in Kansas.

The Office of Judicial Administration is responsible for the administration of the Permanent Families Account of the Family and Children Investment Fund for citizen review boards and certifies the ten existing CRB programs in Kansas. The Kansas Supreme Court provides oversight through standards and annual regular program audits of each CRB. Most, but not all, counties with CRB programs contribute to the success of each program by providing matching funds and resources to varying degrees.

The first Citizen Review Board Program began over 25 years ago in Douglas County. I was a court services officer supervising the juvenile unit for the 7th Judicial District and it was my privilege to be a part of creating the basic rules and principles for the program as well as recruiting, training, and supporting the early volunteers. The principal philosophy underlying those first boards has changed very little since citizen review boards began hearing cases: Engage the community in improving safety and permanency for children and youth involved in child welfare and juvenile justice proceedings.

From the very beginning, members of the community with no formal legal training provided valuable input into virtually every case they heard. The cases they heard were carefully selected by the judge to match the knowledge, skills, and experience of the board with the needs and demands of the family. Citizen Review Board volunteers held the system accountable. They provided children and families with a less formal, less threatening venue for required hearings. They provided valuable insight into the child welfare and juvenile offender case process. And, I believe, they found a great deal of value in how they spent their time and talent as a Citizen Review Board Volunteer.

Expanding Citizen Review Boards beyond the current ten programs in Kansas has long been a goal of our office. Doing so, however, has not been possible because the revenue flowing

into the Permanent Families Account has not increased. In fact, in recent years, revenue has declined. The ten programs that currently exist operate on a frayed shoestring. CRBs are prohibited from fund raising or soliciting gifts by Supreme Court Administrative Order, but it is difficult to imagine that any CRB program would have the staff or volunteer time available for fund-raising activities. Some CRB programs have full-time staff. Most have part-time staff or assign a Judicial Branch employee to operate the program as a small part of their other duties. There is no more capacity to expand their programs or duties within existing funding.

Likewise, expanding the use of citizen review boards by requiring a hearing prior to each disposition and as a requirement prior to each permanency hearing would be a poor use of a precious resource. Citizen Review Boards are comprised of members who are, first and foremost, volunteers. It would not be prudent to make their use routine. Valuable volunteers start out as concerned citizens. Most will tell you that it takes at least one or two years of holding regular hearings with professional training and support before they acquire the knowledge and judgment necessary to make meaningful recommendations regarding the lives of these children and youth.

The burden of implementing the provisions of HB 2542 on the Kansas Judicial Branch, at a time when we are holding approximately 80 nonjudicial positions open on a continuous basis, would be significant. House Bill 2542 would require the Judicial Branch to recruit, train, and manage the volume of volunteers necessary to conduct three- to seven- person boards for each of the over 6,000 dispositional hearings and the approximately 5,500 additional permanency hearings each year. Assuming each board consists of five volunteers and each hearing requires three hours of volunteer time, that means Kansans will have to contribute, and the Kansas Judicial Branch will have to organize and manage, somewhere in the neighborhood of 172,500 volunteer hours each year to conduct those 11,500 hearings. As a comparison, in FY 2010, 26 boards conducted 520 hearings, or 4.5% of the anticipated workload under HB 2542. If each volunteer donated 60 hours a year, or six hours a month for ten months out of each year, that means the Kansas Judicial Branch would have to recruit, train, and manage the work of approximately 2,875 volunteers, all of whom would have had to submit to and pass a Kansas Bureau of Investigation (KBI) criminal background check.

In addition to this significant workload increase, HB 2542 compromises the core value of Citizen Review Boards. Citizen Review Boards are entities created by the Judicial Branch, appointed by the court, governed by the Kansas Supreme Court, and administered through the Office of Judicial Administration. The principal role of the court in child welfare cases, and therefore each Citizen Review Board, is to provide oversight over the state child welfare agency. HB 2542 would, through the use of volunteers, insert the Governor and the Secretary of Social and Rehabilitation services into the court's decision-making process. This imposes on each volunteer a conflict of interest that compromises the basic integrity of the Citizen Review Board program. There is a reason why Citizen Review Board programs exist in the Judicial Branch and not the Executive Branch. Requiring CRB appointments to be made by the Governor and the Secretary of SRS, while retaining the CRB funding and operations under the Judicial Branch, would create a system in which the checks and balances fundamental to our system of justice would become so blurred as to be meaningless.

I know this testimony is not the support some on the committee were looking for. I truly appreciate the spirit with which this proposal was conceived. There is also more than a little irony that I stand here in opposition to the expansion of a program that I helped start over 25 years ago, a program that has improved the lives of many children, and a program through which hundreds, if not thousands, of volunteers have made significant contributions toward improving the lives of children and families. HB 2542, however, is not a viable way to expand Citizen Review Boards.

Again, I thank you for your time and the opportunity to testify. I stand for questions.