

I am Marilyn Harp, Executive Director of Kansas Legal Services (KLS). Kansas Legal Services is the recipient of funds from the Access to Justice fund of the Kansas Judicial Branch. That fund has been omitted by HB 2338 and rolled in to the state general fund.

The Access to Justice fund was established in 1996 and has operated since that time under criteria established by the Kansas Supreme Court, as directed by the Kansas Legislature. Our Access to Justice programs makes legal counsel, mediation and *pro se* services available in all 105 Kansas counties to low income persons earning 150 percent or below of the federally established poverty level. We operate several programs with this funding:

- (1) Advice, representation to low income Kansans and assistance to *pro se* litigants in family law and other civil legal matters and the operation of the statewide Access to Justice Advice Line,
- (2) Mediation services provided on a statewide basis to address specific needs identified by the courts and the Office of Judicial Administration (OJA), and
- (3) Operation of the statewide Guardian *Ad Litem* Support Center providing foster care legal services including guardian *ad litem* and other legal representation, guardian *ad litem* training and support services.

In 2012, these programs provided legal representation to 473 low income Kansans and legal advice to 3,118 additional Kansans. We mediated 133 family law disputes. The full listing of services provided is attached to this testimony.

The review of this fund and the services provided by the granted funds is well monitored by Judicial Center employees. An annual in-person review occurs with fiscal and program staff. Quarterly reports on work completed and costs involved are submitted for all programs. An annual audit of Kansas Legal Services is submitted to the Court. Kansas Legal Services has been the only recipient of these funds. In SFY 2012, we received \$908,647 from this fund.

The 2006 Interim Special Committee on Judiciary studied the topic of Court Docket Fees, roughly dividing them into categories that were related to the administration of justice and those that were not. The Access to Justice Fund was proposed to be retained for funding through docket fees. This user fee helps provide access to the Courts for those who are without the funds to pay themselves.

It should be noted that this bill maintains the Protection from Abuse funding. This important funding goes to the shelters and other programs that work with victims of domestic violence. It doesn't fund any legal work for those victims. That funding, contained within the Access to Justice Fund, has been stripped out and potentially eliminated. In 2012, this fund allowed KLS to help 1,117 families facing abuse, by involving the Court system as a solution or preventive measure from the abuse. The legal side of the services deserves the same treatment as the

important social service side. Payment for these services from filing fees is an appropriate use of these funds.

We are concerned about a transition period, should HB 2388 move forward. The Legislation would move this funding to the State General Fund, without a mechanism for distributing any of that money in SFY2014. Our Court funding would end June 30, 2013, with no replacement from the State General Fund. Without this substantial amount of funding, about 10% of our total budget, we would be laying off staff and closing some of our 11 offices across the state.

Only one state in the nation does not provide some financial resources to provide its poorest citizens with access to the Justice system. Many states use general funds for this purpose. This bill would make Kansas the second state not supporting access to Justice, as this is the only revenue that Kansas makes available for this purpose.

More important than offices closed and jobs lost are the citizens of Kansas – your constituents – who would be hurt by the elimination of the Court’s Access to Justice fund. Nearly 4,000 low income Kansas will have no access to legal services, without this funding. The attached chart shows the distribution of those helped by these funds by county. These funds make legal services available to low income families in every county in Kansas. The loss of legal counsel will mean having no attorney to seek a Protection Order or fight for custody of child at the end of an abusive marriage. No attorney to help grandparents take guardianship of abandoned children. No one to give legal advice about the eviction or collection notice that the family received.

We would request that the Access to Justice fund, part of current law, not be eliminated. We believe that the Access to Justice fund should be protected in the same manner as the Protection from Abuse fund, with a specific appropriation, if it cannot continue to operate the current manner.

I thank you for your attention. I am happy to stand for questions.

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EXECUTIVE SUMMARY
ACCESS TO JUSTICE REPORT FOR THE QUARTER
October 1 through December 31, 2012
YEAR TO DATE
January 1 through December 31, 2012

The Kansas Legal Services Access to Justice program makes legal counsel, mediation and *pro se* services available to low income people in all 105 Kansas counties through three programs: Access to Justice Advice Line, Domestic and Other Advocacy and Mediation.

◆ **ACCESS TO JUSTICE ADVICE LINE**

- Calls are coming in to the Advice Line from throughout the state and from all Judicial Districts.
- The Advice Line received 1,438 calls during the Fourth Quarter (October 1 through December 31, 2012) and processed intakes on 376 of those calls. During calendar year 2012, the Advice Line has received a total of 7,249 calls and processed intakes on 1,901 calls.
- Kansas Legal Services offers “Live Help” on the free legal forms website page. This feature allows users to ask questions about the process and the forms. The ATJ paralegal answers questions about the forms and how to fill them out.

◆ **DOMESTIC ADVOCACY AND OTHER ADVOCACY**

- During the quarter ending December 31, 2012, Access to Justice funded domestic advocacy included 397 advice cases and 113 closed representations. An additional 91 new representation cases were opened.
- From January 1 through December 31, 2012, Access to Justice funded domestic advocacy included 2,077 advice cases and 380 closed representations. A total of 375 new representation cases were opened.
- Access to Justice funding made possible 207 advices and 34 closed representations in matters other than domestic during the Fourth Quarter. An additional 25 representations were opened during the quarter.
- Year to Date, Access to Justice funding made possible 1,041 advices and 93 closed representations in matters other than domestic during the year. 90 representations were opened during that period.
- Assistance to *pro se* litigants continues to be provided through the Access to Justice Advice Line, Domestic Advocacy, Other Advocacy, domestic mediation and other services as requested by court personnel.

◆ MEDIATION

- Access to Justice funding has made it possible for Kansas Legal Services to expand the availability of mediation services for low income persons statewide.
- During the Fourth Quarter, Kansas Legal Services received 24 referrals and completed 29 Access to Justice mediations. Our mediation settlement rate for the Fourth Quarter was 68.97 percent.
- Kansas Legal Services received 156 referrals and completed 133 mediations from January 1 through December 31, 2012. Our Year to Date mediation settlement rate is 67.67 percent.

EXECUTIVE SUMMARY
GUARDIAN *AD LITEM* SUPPORT CENTER

Fourth Quarter
October 1 through December 31, 2012
Year to Date
January 1 through December 31, 2012

Legislative intent for the Guardian *ad Litem* Support Center is to provide “statewide foster care legal services, including guardian *ad litem* and other representation services.” The Guardian *ad Litem* Support Center (GALSC) acts as a resource and provides specialized services to guardians *ad litem* (GAL) at no cost. These services include: technical assistance and training, research, sample pleadings and litigation support. The GALSC also offers advice and representation in Child In Need of Care cases.

The Guardian *ad Litem* Support Center is a central part of the Children’s Advocacy Resource Center (CARC), a division of Kansas Legal Services, Inc.

◆ **ADVICE AND REPRESENTATION**

- During the quarter ending December 31, 2012, Guardian *ad Litem* Support Center staff completed 69 cases. An additional 14 new cases were opened.
- From January 1 through December 31, 2012, Guardian *ad Litem* Support Center staff completed 189 cases. An additional 80 new cases were opened.

◆ **TRAINING**

- Two training were conducted during the fourth quarter in Pittsburg and Lawrence.

◆ **CHILDREN’S ADVOCACY RESOURCE CENTER (CARC) NEWSLETTER**

- Children’s Advocacy Resource Center staff completed and distributed the Winter, 2012 edition of the newsletter during the fourth quarter.

◆ **FOSTER CARE HELPLINE**

- Kansas Legal Services developed a Foster Care Helpline in 2001 with funding from the United Methodist Health Ministries Fund (UMHMF). Funding from UMHMF ceased on December 31, 2004. The Helpline is now operated solely by the Guardian *Ad Litem* Support Center.
- The Foster Care Helpline received 193 calls during the fourth quarter (October 1 through December 31, 2012) and processed intakes on 74 of those calls. From January 1 through December 31, 2012, the Helpline received a total of 835 calls and processed intakes on 362 calls.

Access to Justice Funded Domestic Advocacy
Year to Date
January 1 through December 31, 2012

LEGAL PROBLEM AND CODE	Cases Advised	Cases Closed	Total Cases Completed
Adoption (300)	29	9	38
Custody/Visitation (310)	337	25	362
Custody/Visitation w/ Abuse (311)	110	22	132
Divorce/Separation/Annulment (320)	230	39	269
Divorce w/Abuse (321)	77	51	128
Divorce w/Custody (322)	456	64	520
Divorce w/Abuse & Custody (323)	191	93	284
Adult Guardianship/Conservatorship (330)	24	4	28
Name Change (340)	36	2	38
Parental Rights Termination (350)	14	14	28
Paternity (360)	265	0	265
Paternity w/ Abuse (361)	76	20	96
Domestic Abuse (370)	60	20	80
PFA Defense (371)	17	4	21
Support (380)	89	7	96
Non-payment of Support Defense (381)	20	1	21
Other Family (390)	15	1	16
Post Divorce Motions (391)	31	4	35
Total Family	2,077	380	2,457

Kansans served by Kansas Legal Services, Inc. with Access to Justice funds in CY 2012

County Of Residence		County Of Residence	
Total for Allen	27	Total for Leavenworth	48
Total for Anderson	10	Total for Lincoln	3
Total for Atchison	43	Total for Linn	18
Total for Barber	7	Total for Logan	2
Total for Barton	44	Total for Lyon	16
Total for Bourbon	29	Total for Marion	7
Total for Brown	18	Total for Marshall	15
Total for Butler	88	Total for McPherson	31
Total for Chase	2	Total for Meade	13
Total for Chautauqua	4	Total for Miami	22
Total for Cherokee	20	Total for Mitchell	8
Total for Cheyenne	2	Total for Montgomery	32
Total for Clark	1	Total for Morris	4
Total for Clay	27	Total for Nemaha	17
Total for Cloud	17	Total for Neosho	17
Total for Coffey	3	Total for Norton	7
Total for Comanche	2	Total for Osage	17
Total for Cowley	66	Total for Osborne	8
Total for Crawford	90	Total for Ottawa	5
Total for Decatur	2	Total for Pawnee	5
Total for Dickinson	58	Total for Phillips	3
Total for Doniphan	11	Total for Pottawatomie	60
Total for Douglas	78	Total for Pratt	10
Total for Edwards	3	Total for Rawlins	1
Total for Elk	12	Total for Reno	189
Total for Ellis	58	Total for Republic	3
Total for Ellsworth	5	Total for Rice	21
Total for Finney	35	Total for Riley	106
Total for Ford	32	Total for Rooks	8
Total for Franklin	54	Total for Rush	1
Total for Geary	208	Total for Russell	16
Total for Gove	1	Total for Saline	101
Total for Graham	6	Total for Scott	7
Total for Grant	7	Total for Sedgwick	932
Total for Greeley	3	Total for Seward	55
Total for Greenwood	8	Total for Shawnee	284
Total for Hamilton	2	Total for Sherman	8
Total for Harper	7	Total for Smith	4
Total for Harvey	56	Total for Stafford	10
Total for Haskell	8	Total for Stanton	3
Total for Hodgeman	2	Total for Stevens	7
Total for Jackson	17	Total for Sumner	42
Total for Jefferson	8	Total for Thomas	13

Total for Johnson	255
Total for Kearny	3
Total for Kingman	19
Total for Kiowa	1
Total for Labette	26
Total for Lane	5

Total for Trego	2
Total for Wabaunsee	4
Total for Wallace	2
Total for Washington	6
Total for Wilson	16
Total for Woodson	2
Total for Wyandotte	201

Total clients served: 3,902 Kansas families (where all work has been completed)