



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

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Senate Corrections and Juvenile Justice Committee
Neutral Testimony on SB 367

Mark Gleeson
Office of Judicial Administration

My name is Mark Gleeson and I am the Director of Trial Court Programs for the Office of Judicial Administration. I was very pleased to be appointed by Chief Justice Lawton Nuss to be a member of the Juvenile Justice Workgroup and I support the recommendations contained in the report. I was impressed with the effort and support of the staff from the Pew Charitable Trusts and the Crime and Justice Institute, and in the process by which the workgroup made decisions.

OJA recommends that this bill be tabled and an oversight committee, as established in New Section 4, review it during the interim session. The oversight committee should be charged with engaging community stakeholders in the development of a comprehensive plan that considers the investment of time and money required of all stakeholders in order to successfully implement the recommendations and return to the Legislature before January 2017 with this plan.

The workgroup recommends significant reform to virtually every aspect of the Kansas Juvenile Justice system. It impacts state and county government, public and private providers, victims and offenders. SB 367 is a good first attempt at creating new statutes and modifying existing statutes in a manner that implements all of the workgroup's 40 recommendations. It requires coordination and collaboration among state and local entities and across all branches of government. The workgroup recommendations are based on Kansas data, national data, and stakeholder input from Kansas professionals working in juvenile justice.

As much as I support the workgroup recommendations, I do not believe SB 367 in its current form provides enough clarity to be fully implemented by all the entities involved. Below are six examples of how this bill, although well intended, needs further consideration:

1. Section 25 (h) (effective date July 1, 2017) prohibits the court from ordering that a court services officer supervise a child declared to be a child in need of care if the child has

been removed from home. This prohibition conflicts with the Revised Kansas Code for Care of Children, particularly as it applies to children removed from the home but who are not in DCF custody. Additionally, if this section is eliminated the Kansas Judicial Branch will likely need additional court services officers to supervise youth on probation and diversion.

2. New Section 6 (effective date July 1, 2016) requires the Supreme Court to designate an individual or entity to oversee all attorneys appointed to represent juveniles pursuant to the juvenile justice code. This is intended to meet the requirements of Policy 32 but the language, as written, is very broad and may need to be refined.
3. Likewise, New Section 11 (effective date July 1, 2016) requires OJA to develop a training protocol for judges, prosecutors, and defense attorneys who work in juvenile court and report to the juvenile justice oversight committee about data pertaining to training completion. Training will be critical to the success of this reform effort and should be implemented before the actual reforms take place. Training protocol should be developed and implemented by Supreme Court Rule.
4. New Section 2 (effective date July 1, 2016) requires the Department of Corrections, working with the Supreme Court, to adopt a statewide system of structured community-based graduated responses for technical violations. The authority begins July 1, 2016. While the proposed establishment of this system is commendable, community supervision officers will be required to utilize the graduated sanctions, targeted to a juvenile's risk and needs, before the system is in place.
5. Section 60 (effective date January 1, 2017) appears to return the establishment and operational control of the Kansas Juvenile Intake and Assessment System to the Kansas Supreme Court. This is not recommended by the workgroup.
6. Woven throughout the bill are requirements to use evidence based practices. New Section 4 (effective date July 1, 2016) charges the oversight committee to "monitor the fidelity of implementation efforts." Since releasing the recommendations, concerns have been raised about using the current risk and needs assessment, the Youth Level of Service (YLS), as a factor in whether a youth is placed in the Juvenile Correction Facility as required by Section 45 (effective date July 1, 2016). The YLS is designed, normed, and validated to determine risk and needs and to guide how officers supervise the youth. Using the YLS as contemplated in the Juvenile Matrix may not be an appropriate use of the tool.

While the recommendations on which SB 367 was based are good, there are too many unknowns about the impact this bill will have on community based resources, no evidence that the funding necessary to build the infrastructure to support evidence based community resources

will become a reality, and insufficient support among those whose job it is to implement these important reforms.

The workgroup recognized the importance of having a detailed plan created with stakeholder input that considered the time and money necessary to implement the reforms. The bill does not provide a well-developed plan to implement this significant reform. In addition to the 40 policy recommendations, the report contains the following statement:

"The Workgroup encourages the development of a carefully constructed plan that considers the investment of time and money required of all stakeholders in order to successfully implement these recommendations."

The process that resulted in SB 367 began in June 2015 and ended in November 2015. Members of the workgroup participated in numerous stakeholder meetings and those meetings were instrumental in developing the recommendations. Those same stakeholders deserve a chance to participate in the development of the plan and to inform the oversight committee of how best to implement the workgroup recommendations in their community. Senate Bill 367 is the beginning of that plan.

Passing SB 367 as it is today is not likely to achieve the workgroup's recommendations. Reform of this magnitude is very difficult and requires more than six months to accomplish. Additional time is needed to improve on the good work that was started in June 2015 so it will result in reform that has a better chance of succeeding. The people directly impacted by the reforms and the professionals responsible for implementing the reforms deserve nothing less.