

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2021

As Amended by Senate Committee on Judiciary

Brief*

HB 2021, as amended, would amend law regarding the provision of services to children in the child welfare and juvenile justice systems by requiring the Kansas Department of Corrections (KDOC), the Department for Children and Families (DCF), and the Judicial Branch to collaborate when providing services. The bill would also amend law concerning the use of funds from the Evidence-based Programs Account (Account) of the State General Fund. The bill would also make technical changes.

Collaboration Between Agencies (Sections 1 and 2)

The bill would amend the Revised Code for Care of Children (CINC Code) and the Juvenile Code to require, if a child, juvenile, or juvenile offender is eligible to receive services from DCF, KDOC, or the Judicial Branch, that these agencies collaborate to provide such services. The bill would state that nothing in the CINC Code provision or in the Juvenile Code would preclude the eligible child from accessing services by the listed agencies or any other state agency if the child is otherwise eligible for services.

In the Juvenile Code, this provision would replace an existing provision requiring collaboration between KDOC and the Secretary for Children and Families to furnish services.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

***Amendments to Evidence-based Programs Account
(Section 3)***

The bill would amend law governing the Account to expand allowable expenditures to include evidence-based community programs and practices for:

- Juvenile offenders and their families; and
- Grants under provisions described below.

The bill would expand those eligible to administer such programs and practices to include:

- Community mental health centers;
- Community health centers;
- The Youth Advocate Program;
- Jobs for America's Graduates—Kansas Transition Services; and
- Any other community-based service provider offering evidence-based community programs.

The bill would require the Secretary of Corrections to develop and implement a grant program with the goal of implementing evidence-based community programs throughout the state, subject to the availability of funding in the Account after other expenditures for evidence-based programs are made. The Secretary would be required to adopt grant requirements and to evaluate grant-funded programs to ensure the program is being delivered as intended. Any provider of evidence-based community programs for juveniles could apply for a grant, and priority would be given to any county that demonstrates low availability of evidence-based community programs for juveniles. Child welfare case management providers would not be eligible to receive grants through the Account.

The bill would require expenditures made from the Account to be made promptly and on a rolling basis to develop and implement evidence-based community programs as services are needed throughout the state.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Owens.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on January 30, 2023, representatives of the Children's Alliance of Kansas (CAK), Kansas Association of Court Services Officers (KACSO), Kansas Community Corrections Association, (KCCA), KVC Kansas, Saint Francis Ministries, the Board of Sedgwick County Commissioners, and a private citizen testified as **proponents** of the bill. The proponents stated the bill would foster greater communication between agencies and maximize resources for juveniles and their families.

Written-only proponent testimony was provided by representatives of the Association of Community Mental Health Centers of Kansas (ACMHCKS); Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; TFI Family Services, Inc.; and a private citizen.

A representative of KDOC and DCF provided written-only neutral testimony.

Opponent testimony was provided by a representative of Kansas Appleseed and four private citizens. The opponents generally stated that studies have proven more detention for juveniles is detrimental to their future, and many

juveniles get held in contempt of court for angering the adults involved in the court system.

Written-only opponent testimony was provided by representatives of ACLU–Kansas, Destination Innovation, Inc., Justice Action Network, Juvenile Law Center, Kansas Advisory Group Executive Committee, and The Gault Center.

The House Committee amended the bill to remove technical violations of probation from those instances when a judge may commit a juvenile to detention for a probation violation. Additionally, the Committee amended the bill to allow KDOC to contract with an entity for the electronic record system, and the system would include a verification system operated by KDOC to verify authenticity and validity of electronic records.

Senate Committee on Judiciary

In the Senate Committee hearing on March 8, 2023, the Sedgwick County District Attorney, a private citizen, and representatives of the Board of Sedgwick County Commissioners, CAK, FosterAdopt Connect, KACSO, KVC Kansas, O’Connell Children’s Shelter, Saint Francis Ministries, and TFI Family Services provided **proponent** testimony, stating the enactment of SB 367 has had unintended consequences, as the behaviors of the juvenile offender population cannot be addressed properly by the child welfare system. [Note: SB 367 created and amended law related to the Kansas Juvenile Justice System during the 2016 Legislative session with a majority of the reforms effective July 1, 2017.]

Written-only proponent testimony was provided by a representative of ACMHCKS, a representative of the Kansas Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association, and a private citizen.

On March 9, 2023, the Senate Committee continued the hearing on the bill. **Opponent** testimony was provided by a retired district court judge, a private citizen, and representatives of Kansas Appleseed Center for Law and Justice and Progeny Kansas. The opponents generally stated there is no evidence that the proposals in the bill are needed.

Written-only opponent testimony was provided by representatives of the American Civil Liberties Union of Kansas, Juvenile Justice Oversight Committee, Juvenile Law Center, Kansas Advisory Group, and Progeny & Destination Innovation, and The Gault Center.

Written-only neutral testimony was provided by representatives of DCF, Kansas Children's Service League, and KDOC.

The Senate Committee amended the bill to:

- Remove a new section of law requiring the Secretary of Corrections and Secretary for Children and Families to enter into memorandums of understanding to coordinate certain risk and needs assessments;
- Revert sections of law in the Juvenile Code concerning sentencing alternatives, overall case length limits, and community-based graduated responses for technical violations of probation, conditional release, and conditions of sentence to current law;
- Revert a section of law concerning KDOC's authority to exchange confidential data in the juvenile justice system to current law;
- Remove language referencing risk and needs assessments that would no longer be required by the bill;

- Expand the list of providers that may administer evidence-based community programs and practices;
- Clarify available funding in the Account to develop and implement a statewide grant program by the Secretary of Corrections would be determined after other expenditures for evidence-based programs are made; and
- Add a provision stating child welfare case management providers would not be eligible to receive grants through the Account.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDOC indicates enactment of the bill would require additional costs that the agency is unable to estimate. Additional expenditures would come from training DCF staff to administer risk and needs assessments, additional children served by funded grant programs, increased sentence lengths resulting in increased community corrections caseloads, design and development of new information technology systems or additional functionality to current systems, and increased administrative costs for staffing to manage more grants and grantees. The additional expenditures would be paid from the current balance of the Account or a new State General Fund appropriation if the Account balance is unavailable.

DCF indicates enactment of the bill would not increase agency expenditures for the risk and needs assessment tool since it is available from KDOC. If the use or licensing of the risk and needs assessment tool is required, then the agency indicates that approximately 600 youth would be affected, and the associated costs would be added to the foster care program budget as part of the consensus caseload budget

process. It is estimated that those increases could range between \$6,000 to \$15,000 per family from all funding sources, including \$3,000 to \$7,500 from the State General Fund.

The Office of Judicial Administration indicates enactment of the bill could potentially increase expenditures due to the increase in workload for court services officers to perform risk and needs assessments and any associated costs for providing the assessments. The Office could not estimate a fiscal effect.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Children in need of care; juvenile offenders; risk and needs assessment; case length; detention; evidence-based programs; evidence-based programs account; Department for Children and Families; Department of Corrections; Judicial Branch