

Rep. Stephen Owens,

My name is Thomas Foster. I am a retired Kansas District Court judge. I support HB 2471 limiting the use of restraints in juvenile court hearings. From 1993 through November of 2021 I presided over a juvenile offender docket in Johnson County, Kansas. I was a member of the Kansas Juvenile Justice Review Committee that developed and recommended SB 367. I am currently a member of the National Council of Juvenile and Family Court judges and serve on its International Law committee and its Legislative committee. I am also currently a member of the Board of Directors of the Youth Advocates Programs. I also serve on the Gault Center judicial advisory group. I have been certified in using trauma informed care in court proceedings. I have been educated on the lifelong effects on people from adverse childhood experiences (ACE).

Placing a child in jail is certainly an adverse childhood experience. Compounding the traumatic experience of incarceration by forcing a child into shackles and to appear in a public courtroom in shackles certainly adds to that adverse experience. Subjecting a child to such a publicly humiliating experience should only happen when a child has exhibited behavior that would risk danger to others. In the 10th District we established a guideline for use of shackles by community corrections to transport children to court and for court appearances. Establishing a presumption that shackles should not be used and adding a specific legal requirement to address shackling is a reasonable approach to take to ensure public safety and ensure the humane treatment of children in the juvenile Justice system.

I support HB 2471 which would require judges to determine a need for the use of shackles in a courtroom rather indiscriminately use shackles on a child appearing in court.

Thank You.

Thomas Foster
Retired District Judge