

UPDATED
SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2200

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2200, as amended, would create and amend law regarding the assessment of and provision of services to children in the child welfare and juvenile justice systems; cumulative detention and overall case length limits and probation violation sanctions under the Revised Kansas Juvenile Justice Code (Juvenile Code); exchange of confidential data within the juvenile justice system; and use of funds from the Evidence-Based Programs Account of the State General Fund (Evidence-Based Programs Account).

Memorandum of Understanding (New Section 1)

The bill would require a memorandum of understanding (MOU) to be entered into by the Secretary of Corrections and the Secretary for Children and Families to coordinate the administration of a risk and needs assessment to children who have been identified as exhibiting behavior that could lead to offending behaviors during the course of a child in need of care proceeding. The MOU should include procedures for allowing identified children to participate in programs funded by the Evidence-Based Programs Account. A copy of the MOU would be provided to the Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO), the House Committee on Corrections and Juvenile Justice, and the Senate Committee on Judiciary.

*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>

Collaboration Between Agencies (Sections 2 and 3)

The bill would amend the Revised Kansas 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 the Kansas Department for Children and Families, the Kansas Department of Corrections (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.

Juvenile Code Case Length and Detention Limits (Sections 4 and 5)

The bill would amend the overall case length and probation length limits for juvenile offenders. The court would be able to extend the overall case length limit to allow for completion of an evidence-based program if the juvenile's delay is the reason for failure to complete the evidence-based program. Such extensions could only be granted incrementally.

The bill would also amend the maximum cumulative detention limit to 90 days from 45 days. [*Note:* Under continuing law, there is no limit on cumulative detention for juvenile offenders adjudicated for a felony which, if committed by an adult, would constitute an off-grid felony or a nondrug severity level 1 through 4 person felony.]

***Graduated Sanctions for Juvenile Probation Violations
(Section 6)***

The bill would amend the Juvenile Code to allow a judge to commit a juvenile who is on probation to detention for a probation violation, including a technical violation or for contempt of court. The detention period may not exceed 24 hours for the first violation, 48 hours for the second violation, and 15 days for the third or subsequent violation.

Confidential Data Exchange System (Section 7)

The bill would require that KDOC develop a system by July 1, 2024, to facilitate the exchange of confidential information between all parts of the juvenile justice system. KDOC would be required to report to the JCCJJO, House Committee on Appropriations, Senate Committee on Judiciary, Senate Committee on Ways and Means, and the House Committee on Corrections and Juvenile Justice on the progress of development by the first day of the 2023 Legislative Session.

***Amendments to Evidence-Based Programs Account
(Section 8)***

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

- The families of juvenile offenders;
- Children who have been administered the risk and needs assessment and have been identified as needing services pursuant to Section 1 of the bill; and
- Grants under provisions described below.

The bill would expand those eligible to administer such programs and practices to include community mental health centers 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. 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.

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

The bill would remove outdated language from this section regarding transfers required during FY 2017 and FY 2018.

Background

The bill was introduced in the 2021 House Committee on Corrections and Juvenile Justice at the request of Representative Jennings.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on January 27, 2022, representatives of the Association of Community Mental Health Centers Kansas and the Behavioral Health

Association of Kansas, a Sedgwick County commissioner, and a private citizen testified as **proponents** of the bill.

Written-only proponent was submitted by a representative of the Children's Alliance of Kansas and a private citizen.

A representative of KDOC testified as neutral on the bill.

Representatives of Kansas Appleseed and Progeny Youth Leaders testified as **opponents** of the bill.

The House Committee made technical amendments to the bill since it was a carryover bill from the previous session. The Committee also amended the bill to increase the cumulative detention limit from 45 days to 90 days and authorize graduated detention sanctions for probation violations.

Fiscal Information

According to the fiscal note prepared by the Division of Budget dated February 24, 2021, the KDOC indicates enactment of the bill would require the agency to develop a system for exchanging data across all parts of the juvenile system for a cost of \$4.3 million from the State General Fund, which could be addressed in an already ongoing information system project. KDOC indicates other provisions of the bill could add additional costs that the Department is unable to estimate.

The DCF indicates the bill could increase agency expenditures if there is a cost for using the KDOC risk and needs assessment tool. Additionally, DCF estimates the bill could increase expenditures if the services provided by DCF are not already provided to a juvenile or juvenile offender by another agency. 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 (OJA) indicates the bill would not have significant fiscal effect on their budget.

The fiscal effect associated with developing a data system is included in the *The FY 2022 Governor's Budget Report*. Any other fiscal effect associated with the bill is not reflected in *The FY 2022 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