

# Senate Public Health and Welfare Committee

## Testimony in Opposition to Executive Reorganization Order 44

February 18, 2020

Chairman Suellentrop and Members of the Committee,

We are opposed to the portion of ERO 44 that moves juvenile correctional services from the Department of Corrections to the new Department of Human Services. We have no position on the other provisions of ERO 44.

Community corrections agencies are thirty-one statutorily mandated programs in each part of the state, funded by the state but governed by county commissions and community advisory boards for both adult and juvenile offenders. They provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts and sentencing guidelines determine whether an adult offender is assigned to regular probation (through the courts) or intensive supervised probation with graduated sanctions in a community corrections program. Juveniles are sent to community corrections by district courts. Some agencies also serve as intake and assessment.

The Kansas Community Corrections Association is the voluntary association comprised of twenty-eight community corrections agencies. I am joined by several community corrections directors who can comment on the specifics.

I appear today on behalf of the statewide system of community corrections agencies who have questions about ERO 44 but recognize value in combining some services. The immediate burden of this policy choice rests on your shoulders, but the long-term consequences will impact the work we do for children and families for years to come. We do not doubt the constructive motivation behind ERO 44 but we do want to ensure the strong system in place is not eroded in the transition.

The juvenile system in Kansas was born from change but maintains an on-going connection between local government and the State. Historically, juvenile services were pulled out of the judicial branch, the Department of Social and Rehabilitation, and the Department of Corrections in 1997 to form the Juvenile Justice Authority. Many of us participated in massive, state-wide community engagement activities that essentially created from nothing the massive network of joint local and cross jurisdiction, District Courts, and community-based programs. In

2012, for no logical reason anyone can remember, the Juvenile Justice Authority was absorbed into the Department of Corrections. Senate Bill 367 in 2016 brought more changes as your state and local juvenile services continued to adjust. Out of home placements were essentially eliminated and resources and energy shifted to enhanced community systems of service. Particularly after the upheavals of Senate Bill 367 (not suggesting the changes were bad, but they were profound) there was greater recognition of the connections between some of the juvenile offender population and youth in child welfare. The structure of the service delivery for those youth seems to be the rationale for ERO 44.

After all these transitions, our main issues are not where Juvenile Services is housed and budgeted. What matters is that Juvenile Services has a voice, a position with agency leadership, and access to resources. Our primary concern is the delivery of services and supervision to the vulnerable youth who contact the criminal justice system or cross paths entering and exiting the child welfare system. Further, Juvenile Services in Kansas do not exist solely within the Department of Corrections or Department of Human Services. Juvenile Services are rooted in county governments, local advisory boards and administrative contacts, local juvenile district court judges, county prosecutors, local child welfare contractors, and service providers who know these kids and their families.

We have met with Secretary Howard and her staff and described this local/state connection as well as raised these concerns. Thus far the answers have been promised after the ERO is passed.

1. The Juvenile Services, whether in the Department of Corrections or another agency, needs identifiable and strong Deputy Secretary-level leadership status. KDOC Juvenile Services has worked hard since assuming oversight of Juvenile Services to streamline processes and implement evidence-based practices. In the interest of what IS working, and not wanting juvenile offenders to get lost in the system, the KCCA is requesting that if it advances the ERO establish a Deputy Secretary of Juvenile Services.
2. Recognition and preservation of Juvenile Services' connections to local government is key. As County employees, we need the ability to engage our County Commissions, Juvenile Corrections Advisory Boards, law enforcement, etc. The transition of Juvenile Services to a Department of Human Services may look like a simple budget transition, but in the field, every part of the local justice system is involved. Local corrections partners must be included in the transition planning and in on-going representing through existing entities such as the Community Advisory Committee and other resources.
3. In terms of day to day operations, we are conflicted by statements that "nothing will change," and other statements that "we will make the system better." There are "in the weeds" issues that hinge on the big picture issue of whether or not nothing is going to change, or everything is going to change. There are some specific areas where the system could falter if some of the issues are overlooked include Funding, Operations, and Data Management. For many agencies, substantial administrative duties, costs, and responsibilities are shared between adult and juvenile supervision.

Finally, there are concerns that removing Juvenile Services from corrections will subordinate juvenile services to the child welfare system. Without regard to any specific child welfare provider, in general, the relationship between child welfare and juvenile supervision can be strained. There is recognition that some crossover youth would benefit from integration because state-level management of services would improve. Great local community corrections programs can help these kids and families. However, in the field the perception is that this move runs the risk of making juvenile services serve child welfare, and the potential impacts on standard juvenile corrections services with the local courts, prosecutors, and Court Services (who are not being moved in the ERO 44) would be negative.

Community corrections agency directors make many decisions every day affecting kids' lives but determining where a state level agency resides is not decision for them to make. As you consider ERO 44, it is our hope you consider these concerns and ensure that they are addressed.

We are happy to stand for questions at the appropriate time.

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