

Testimony for Joint Informational Hearing

Submitted To

House Committee on Corrections and Juvenile Justice

And

House Committee on Child Welfare and Foster Care

By

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Members of these Committee's, thank you for the opportunity to contribute to this informational hearing today. Given the individual charge of each committee for the child welfare system and the juvenile justice system, that the Chairs bring you together today on the intersection of these systems is an uncommon occurrence, and a welcome next step to continuing to evolve and improve both systems.

The circumstances that lead to involvement with either the child welfare or juvenile justice system can be sad, tragic, unfair, outrageous and simply too hard for most adults to comprehend. With an impact on involved children/youth that can be profound and all too often have a lifelong impact. And because we individually, as a society and as a nation hope every child/youth has the opportunity to thrive, succeed and achieve all that they dedicate themselves to in their lives, these systems are vital.

The underlying factors that can lead to involvement in either system, such as: parents who were abused, physical and mental health conditions, poor relationships, socioeconomic stress, lack of understanding of basic childhood development, lack of support from others, family stress, community violence, are prevalent among children/youth involved in both systems. Yet, the most effective child welfare system is not the same as, or a substitute for, an effective juvenile justice system and visa versa. And the children/youth, their families and the public are best served when we enact laws and policies, and then design interventions and programs, that reflect this.

Many child welfare children will not become involved in the juvenile justice system. And conversely, not all youth involved in the juvenile justice system have been in the foster care system. But there is another group of children/youth who become involved in both, which many refer to as crossover youth. And it is these children/youth who have often had some of the most traumatic and complex

life experiences imaginable. And it is at this intersection, that already difficult work becomes exponentially more so.

Turning specifically to the juvenile justice system, my goal today is to be a resource to you on the recent history of our juvenile justice system in Kansas, and why our system is designed as it is.

Across the nation, juvenile justice systems are a mixture of practice, theory and values from child welfare and from adult criminal justice. A mix of protecting them from harm, supporting physical and emotional growth, and learning the ways of the adult world they will soon navigate, with accountability for harming others, sanctions, supervision and incarceration that are rooted in adult criminal justice. This is reflected in the various ways States design and administer their juvenile justice system as either a part of a larger child welfare agency, part of a larger criminal justice agency, or a separate specific agency. All three of which Kansas has done in the past thirty years.

Beginning in about 2010, a few communities in Kansas and the state agency began work to improve the current juvenile justice system based upon the recognition that justice involved youth and our communities deserved a better system. Partners in this work were juvenile detention directors in Douglas, Johnson, Sedgwick, Shawnee and Wyandotte Counties beside national experts with support from the Annie E. Casey Foundation (AECF). This work included law enforcement, prosecutors, judges and many others who were focused on implementing AECF's Juvenile Detention Alternatives Initiative (JDAI) model that had been demonstrated to reduce use of secure confinement of children/youth in detention and improve public safety.

Building upon success and lessons learned from JDAI, in 2014 the National Campaign to Reform State Juvenile Justice Systems and Right on Crime contributed their research and assistance to next steps in examining and improving our system. Then in 2015 the Council of State Governments (CSG) with support from the MacArthur Foundation, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Bureau of Justice conducted an analysis and made recommendations on reducing recidivism for justice involved youth.

Then in the spring of 2015, then Governor Sam Brownback, Chief Justice Lawton Nuss, Senate President Susan Wagle, Senate Minority Leader Anthony Hensley, House Speaker Ray Merrick, and House Minority Leader Tom Burroughs charged the Kansas Juvenile Justice Workgroup with developing policy recommendations that advance three goals:

- Promote public safety and hold juvenile offenders accountable;
- Control taxpayer costs; and
- Improve outcomes for youth, families, and communities in Kansas.

Most often, it is this final stage in the work, enacted by the 2016 Kansas Legislature as SB367, that stakeholders reference in conversation.

I included this brief history in my testimony to hopefully illustrate this point. The current Kansas juvenile justice system is the result of the contributions of many diverse stakeholders and is grounded in the best academic, scientific, and practitioner knowledge available from Kansans, researchers and national experts. And to suggest, that any changes which might be proposed this session or in the future, must be based upon equally rigorous work.

On the following page, I have included a list of articles and resources that you may find informative. And I will close by offering these thoughts.

In 2023, eight years after enactment of SB367, Kansas is seeing fewer youth arrested for juvenile crime (down 52% CY15-21), fewer court filings (down 20.7% from CY15-19), and decreased use of secure and non-secure confinement of justice involved youth (44% decrease in youth at KJCC FY15-22). All while, there is some evidence that a very small number of youths do continue to engage in very violent acts including 16 arrested for murder in 2021 (average for CY15-21 was 9.6) and 103 were arrested for weapons violations in 2021 (average for CY15-21 was 108.5). And the challenge of how best to serve those children/youth at the intersection of both the child welfare and juvenile justice systems persists.

So, I would offer to you that the juvenile justice system is more effective than it has been in recent decades, and that any path forward for additional improvements must build upon this success. Without turning back to past laws and practices of criminalizing behavior rooted in the circumstances of the child/youth or increasing the use of secure and nonsecure incarceration.

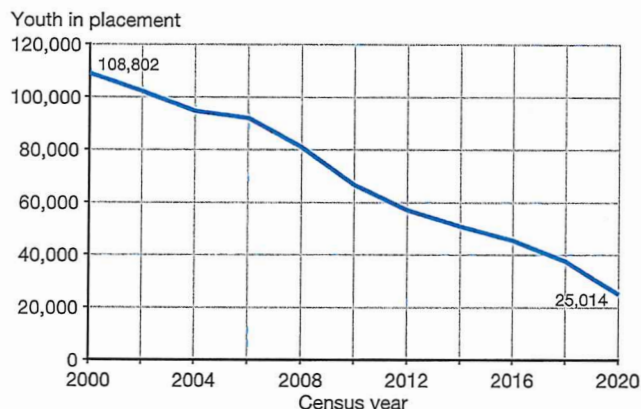
Resources

- Reducing Recidivism for Youth in the Juvenile Services Division of the Kansas department of Corrections by Council of State Governments Justice Center. [PowerPoint Presentation \(ks.gov\)](#)
- National Academy of Sciences, Reforming Juvenile Justice: A Developmental Approach [Reforming JuvJustice NationalAcademySciences.pdf \(njjn.org\)](#)
- OJJDP Juvenile Justice Fact Sheet March 2011. Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders [Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders \(pitt.edu\)](#)
- OJJDP Juvenile Justice Fact Sheet August 2015. Studying Deterrence Among High-Risk Adolescents [Studying Deterrence Among High-Risk Adolescents \(pitt.edu\)](#)
- Juvenile Justice Work Group meeting summary, presentations and membership. [Juvenile Justice Workgroup — \(ks.gov\)](#)
- Video: Juvenile Justice Research [Juvenile Justice Workgroup — \(ks.gov\)](#) slide decks for presentation in this video available here.
 - Edward P. Mulvey, Ph.D. Peabody Research Institute, Vanderbilt University [Lecture3 \(ks.gov\)](#)
 - Mark W. Lipsey, Ph.D. Peabody Research Institute, Vanderbilt University [Points for Discussion \(ks.gov\)](#)
- 2015 Final recommendations of the Juvenile Justice Work Group. <https://www.doc.ks.gov/juvenile-services/Workgroup/report/Final/view>
- Annie E. Casey Foundation, Juvenile Detention Alternatives (JDAI) [Juvenile Detention Alternatives Initiative \(JDAI\) - The Annie E. Casey Foundation \(aecf.org\)](#)
- National Campaign to Reform States Juvenile Justice Systems [ARCHIVED: The National Campaign to Reform State Juvenile Justice Systems - NEO Philanthropy](#)
- Right on Crime [Juvenile Justice - Right On Crime](#)
- Council of State Governments (a resource, juvenile projects no longer on this site see above link the first link on this page for the report) [Home - CSG Justice Center - CSG Justice Center](#)
- Office of Juvenile Justice and Delinquency Prevention (OJJDP) [Working for Youth Justice and Safety | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](#)

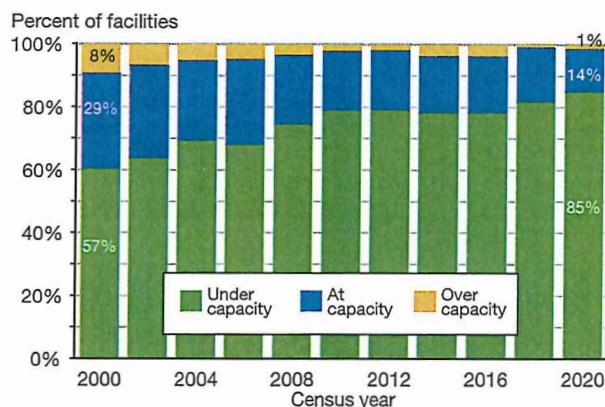
Highlights From the 2020 Juvenile Residential Facility Census

The latest data reveal changes in where youth are placed and the screenings provided

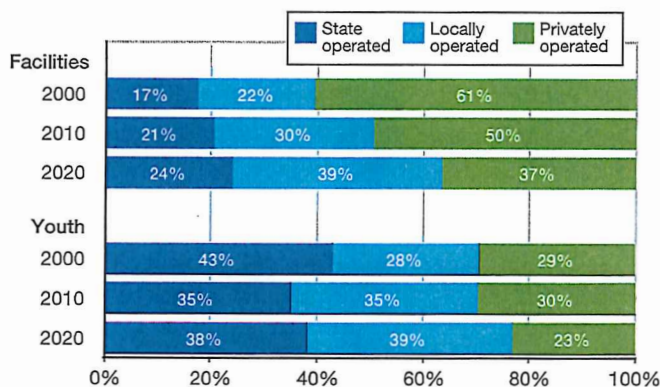
The number of youth in placement fell 77% between 2000 and 2020



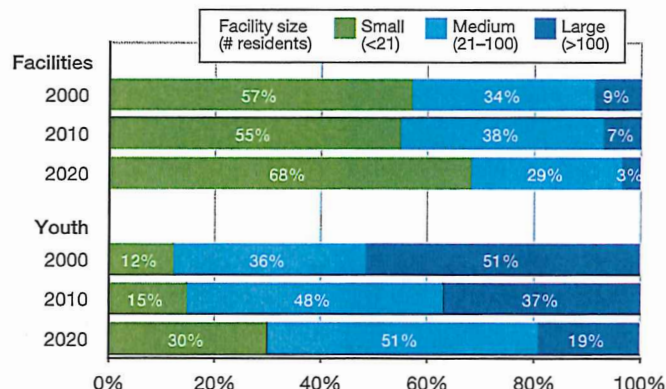
The proportion of facilities operating over capacity has declined since 2000



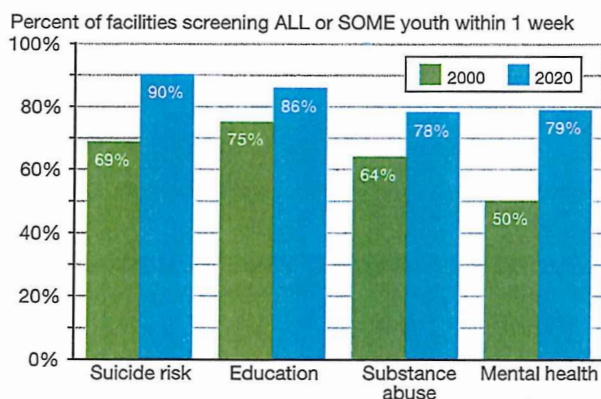
The proportion of facilities that are locally operated has increased, as has the proportion of youth in these facilities



The proportion of small facilities has increased, but a larger proportion of youth are still held in medium-sized facilities



The majority of facilities reported screening all or some youth for service needs within one week of admission



Statistical Briefing Book ojjdp.gov/ojstatbb

Access more information on residential facilities and youth in placement

- Review FAQs about residential facility characteristics
- Analyze data with the Juvenile Residential Facility Census Databook

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Data source: Office of Juvenile Justice and Delinquency Prevention. *Juvenile Residential Facility Census* [machine-readable data files]. Washington, DC: U.S. Census Bureau (producer).

The COVID-19 pandemic had significant effects on all stages of the juvenile justice system, including juvenile residential facilities, which may have impacted the number of youth in residential placement reported in 2020 and the services they received.