

Good afternoon,

My name is Remington Dalke and I'm the Rice County Attorney. I was appointed in 2018 and then elected in 2020. I was asked to speak on the implementation of SB367 and it's impact on the foster care system.

Before talking about the law itself, I want to say I love the people I work with in juvenile services. They are great people who do a great job with what they have. However, they lack what they need for the problems we see.

As I understand SB367, its primary purpose was to reinvest money gained from shutting down detention and residential facilities and diverting it instead into community supervision and treatment.

Here in Rice, we don't have sufficient community supervision and treatment options. When a juvenile offender is convicted and they aren't scored into a detention facility, they're placed on probation where they spend an hour a week (at most) on a zoom call with a probation officer and they self-report how things are going.

The end result is that I have a kid, who was caught vaping, getting the exact same treatment as my kid who, at the age of 16, showed up drunk at the local pool, threw a beer can at a girl, threatened to kill her, was taken by law enforcement home to his parents, then woke up in the middle of the night, broke into his neighbor's house and assaulted her when she went to get a drink of water.

Or, here's a couple other examples.

J.F. is a 17-year-old girl who started with a truancy case in 2018. She then had a battery in 2019 for jumping and beating up a classmate. In 2020 she had another truancy case. Then in 2021 she had another battery.

While her truancy case was open, I attempted to get her placed in foster care. I did because I knew even a second misdemeanor battery conviction would accomplish nothing. So I amended her truancy case to include allegations that she was without adequate parental care and control. The parents agreed and stipulated, because they were scared of their daughter and they wanted her out of the home, but the GAL objected, demanded a hearing and argued she was a truant and juvenile offender, not a child in need of care.

While we waited for our court date, this girl drove to Hutchinson, got a gun from somewhere, and shot her friend in the leg.

Or, consider D.G. This 17-year-old was out drinking, smoking, racing, fighting, etc. I filed multiple JV cases and had him placed on probation numerous times. He was never removed from the home. One afternoon his probation officer decided to drive the 30 minutes from her office to see if he was honoring his curfew. When she knocked on his door his mom said he was quarantined with his dad. When she stopped by dad's house, dad said he was with mom. Turns out he was out cruising the streets, both parents knew, and were actively lying for him. Throughout his probation he continued doing whatever he wanted, while bragging at school, because he didn't fear any of the consequences.

I then filed a CINC case on him and removed him from his home. That is when he, mom, and dad all showed up at court crying about how they'd all finally learned their lesson.

With such limited options from SB367, I've got kids shooting other kids. And I have parents, where we're leaving these kids, actively promoting and encouraging their kid's offending behavior.

That same story is repeated over and over. And that's in Rice County. I file around 25 CINC cases and even less juvenile offender cases each year. I can't imagine what some of the bigger counties are seeing.

And it should go without saying, the foster care system is absolutely the wrong place for these kids. That's not what foster care is designed for. But from my perspective, foster care is the lesser of two evils. If I think the home is a contributing factor to a juvenile's behavior, I will CINC them instead of filing a juvenile offender case.