



**KANSAS BAR  
ASSOCIATION**

**TO:**           **The Honorable Susan Humphries, Chair**  
                    and members of the House Judiciary Committee

**FROM:**       **Joseph Molina**  
                    On behalf of the Kansas Bar Association

**RE:**           **HB 2381 —** Requiring the court to appoint an attorney to represent a  
                    child who is the subject of child in need of care proceedings and  
                    allowing for the optional appointment of a guardian ad litem.

**DATE:**       **March 7, 2024**

Chairman Humphries and members of the House Judiciary Committee, my name is Joseph Molina, and I provide this testimony on behalf of the Kansas Bar Association for HB 2381 — Requiring the court to appoint an attorney to represent a child who is the subject of child in need of care proceedings and allowing for the optional appointment of a guardian ad litem.

The KBA supports efforts to improve outcomes for all children in CINC proceedings. The KBA believes strongly that additional support for children in these situations is a valuable goal and should be a focal point within the legal community.

However, the policy contained within HB 2381 contains practical implications that should be discussed.

As drafted, HB 2381 requires that an attorney be appointed to serve as counsel for a child in CINC proceedings. This could create an issue in areas that have a significant shortage of lawyers. According to the Kansas Rural Justice Initiative, in the 15<sup>th</sup> Judicial District — located in the northwest corner of Kansas — there are only 26 licensed Kansas lawyers for that seven-county district. The next closest lawyer population is in Ellis County, more than 80 miles away. The lack of available lawyers in Kansas is highlighted in Wichita and Hodgeman counties, where there are no licensed lawyers.

The lack of lawyers, especially in western Kansas, creates a significant issue of legal conflict. In cases where there are multiple children in a single CINC proceeding, the judge would need to appoint a lawyer for each child to comply with Supreme Court Rule 1.7, which

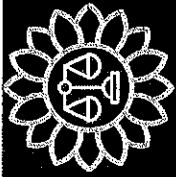
prohibits a lawyer from representing concurrent clients in litigation. This alone would place a strain on lawyer availability in areas like the 15<sup>th</sup> Judicial District.

I have included information from the Kansas Supreme Court for case filings in 2022 and information from the Kansas Rural Justice Initiative.

Thank you for your time and attention.

***About the Kansas Bar Association:***

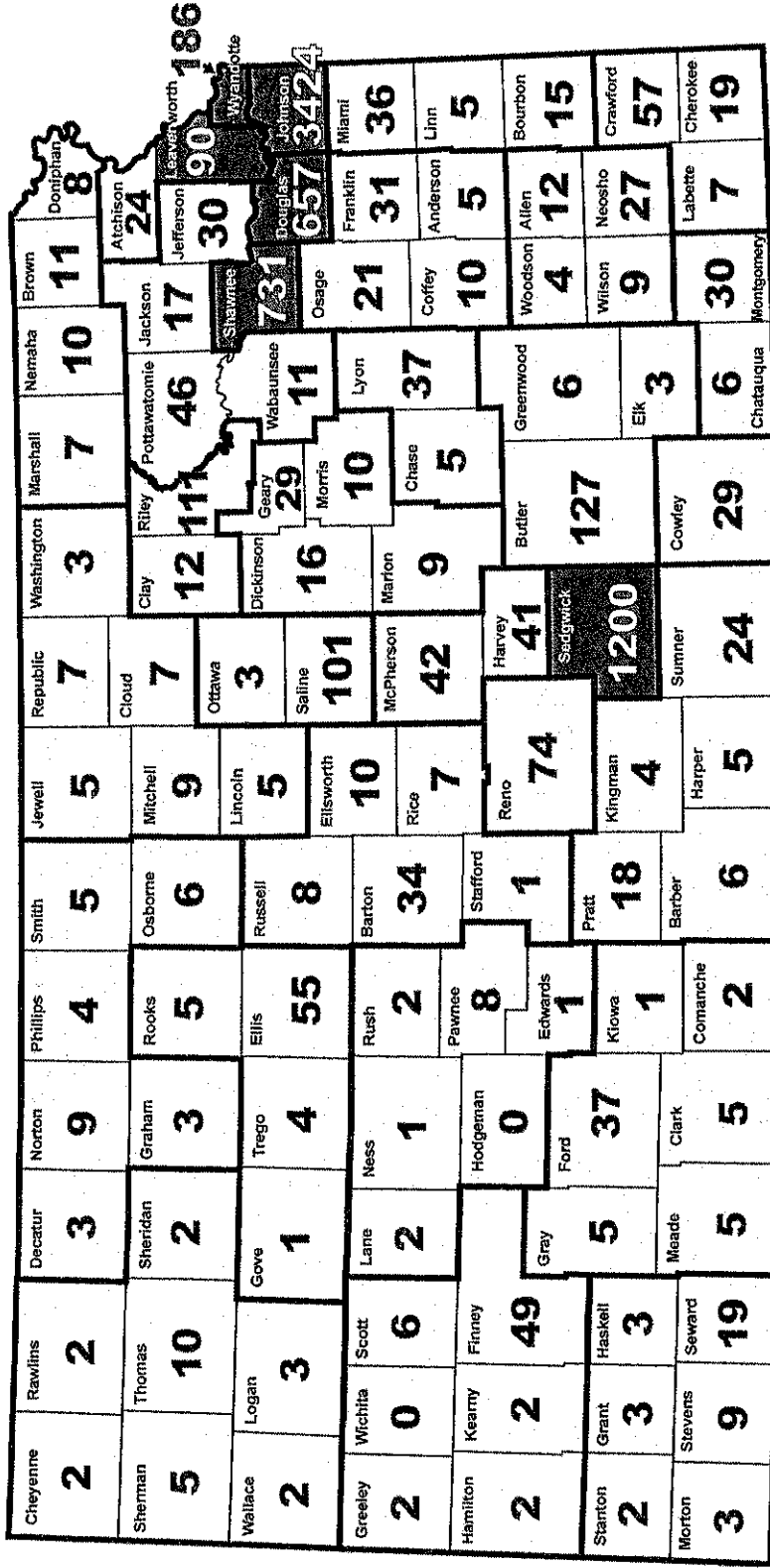
The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 5,200 members include lawyers, judges, law students, and paralegals. [www.ksbar.org](http://www.ksbar.org)



# KANSAS Rural Justice Initiative

*Examining unmet legal needs  
across rural Kansas.*

## Active attorneys by county



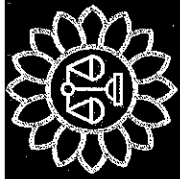
Counties grouped by judicial district



Rural counties



Urban counties



# KANSAS Rural Justice Initiative

# Examining unmet legal needs across rural Kansas.

Judicial District	Counties in District	Attorneys in District	Residents in District	Attorney to Resident Ratio
1st	2	114	98229	1/862
2nd	4	104	63825	1/614
3rd	1	731	178909	4/979
4th	4	67	57958	1/865
5th	2	42	34751	1/827
6th	3	56	58142	1/1038
7th	1	657	118785	5/904
8th	4	64	72350	1/1130
9th	2	83	64247	1/774
10th	1	3424	609863	1/178
11th	3	83	78518	1/946
12th	6	36	30903	1/858
13th	3	136	75879	1/558
14th	2	36	34865	1/968
15th	7	26	25755	1/991

Judicial District	Counties in District	Attorneys in District	Residents in District	Attorney to Resident Ratio
16th	6	55	50135	1/912
17th	6	30	22689	1/756
18th	1	1200	523824	2/873
19th	1	29	34549	1/1191
20th	5	60	52059	1/868
21st	2	123	80076	1/651
22nd	4	36	37329	1/1036
23rd	4	65	39379	1/606
24th	6	14	18100	1/1292
25th	6	61	53558	1/878
26th	6	39	43131	1/3594
27th	1	74	61898	1/836
28th	2	104	60038	1/577
29th	1	186	169245	1/910
30th	5	57	48722	1/855
31st	4	52	40169	1/772



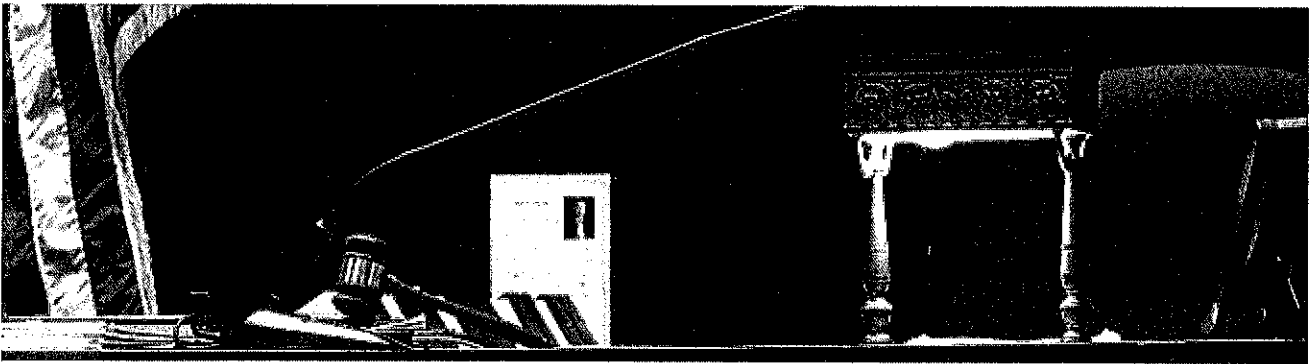
# Fiscal Year 2022 Caseload

**321,678\***

cases filed in district courts  
in fiscal year 2022.

*Third floor of the Wyandotte County Courthouse.*

\*These preliminary numbers could change slightly once filing statistics for fiscal year 2022 are finalized. Courts operate on one of three case management systems until the transition to the Kansas eCourt case management system is complete. When the transition is complete, timely gathering and reporting annual case management statistical data will resume.



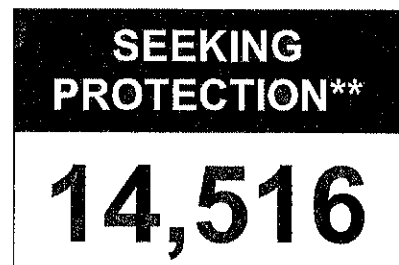
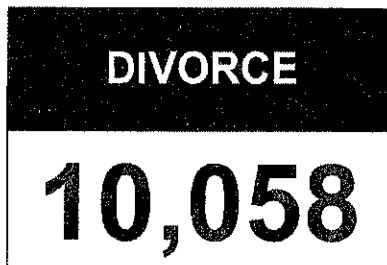
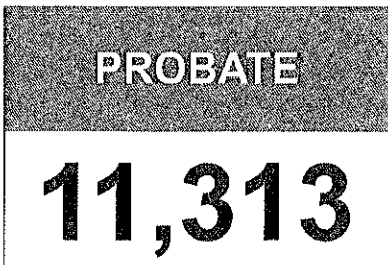
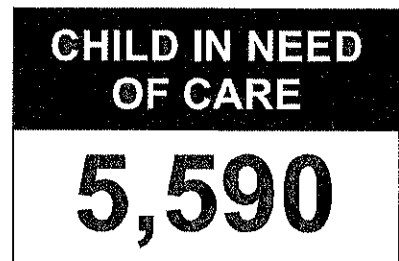
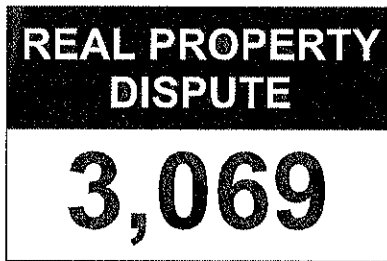
The pandemic brought rapid change to Kansas courts. A few changes, like social distancing, dissipated as the pandemic waned. Other changes, such as remote hearings, judges added to their docket management toolbox to use when appropriate to expeditiously resolve cases or as necessary for the health of court users.

courts for rapidly adapting to the biggest change to judicial proceedings in our lifetime. Through innovation, adaptation, and resilience, we kept our courts open and available for Kansans. We also took lessons from the pandemic to improve court technology infrastructure and capabilities.

Court users note the value of remote hearings, particularly for matters like scheduling dockets and first appearances. I am enormously proud of the Office of Judicial Administration and our district

Below are the filing totals for fiscal year 2022 in a few common categories of cases.

Civil
  Criminal
  Probate



*\*\*from abuse, stalking, sexual assault, or human trafficking*

