

# United Methodist Youthville

## Child Welfare Services

*Testimony Regarding Concerns with SB 39*



**Giving Children Back Their Childhood**

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Senate Judiciary

2-15-11  
Attachment 5

Chairman Owens and Committee Members, thank you for the opportunity today to testify in opposition to the residency provisions of SB 39 as they relate to persons convicted as juvenile sex offenders. Our opposition specifically relates to the language in Section 7(a) and Section 8 (Page 14, Lines 8-17 and Page 15, Lines 1-28) prohibiting sex offenders from residing within 2000 feet of a licensed child care facility or any structure used by a unified school district or accredited non-public school for student instruction.

This language is problematic because the term licensed child care facility as defined in KSA 65-503 is very broad:

(c) (1) "Child care facility" means:

- (A) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both.
- (B) a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the secretary to require regulation under the provisions of this act;
- (C) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or
- (D) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.

All existing Psychiatric Residential Treatment Facilities (PRTF's), Foster Homes, Youth Residential Centers (YRC's), Emergency Shelters, Detention Centers, and Maternity Homes are considered child care facilities under KSA 65-503; and today many of these settings provide some combination of housing, treatment, or education to juvenile sex offenders. These facilities may or may not have an on campus schooling program. If a facility has an on-campus school it is generally run by the local school district, meeting the definition of a structure operated by a local school district as described in this bill. If an on-campus schooling program doesn't exist the residents leave campus and are educated in the community by the local school district. If the residency provisions of this bill were enacted juvenile sex offenders, who are generally in the

custody of the state, would be prohibited from living, receiving treatment, and obtaining an education in the facilities they do today.

United Methodist Youthville currently operates two PRTF's; a 57 bed facility in Dodge City and a 56 bed facility in Newton. Both programs are accredited by The Joint Commission, certified by the Kansas Department of Social and Rehabilitation Services (SRS), and licensed by the Kansas Department of Health and Environment (KDHE). PRTF's provide comprehensive mental health treatment to children and adolescents who, due to mental illness, substance abuse, or severe emotional disturbance, cannot safely be maintained in the community. The programs are designed to offer a short term, intense, focused treatment to promote a successful return of the child to the community. To be eligible for this level of care the youth must be deemed to be at substantial risk of harming themselves or others and all other ambulatory care resources available in the community have been identified, and if not accessed, determined to not meet the immediate treatment needs of the youth. Youth only remain in the PRTF setting as long as medically necessary and then transition back to their family or a less restrictive community living situation.

The Dodge City campus features a program designed specifically to treat youth with problem sexual behaviors. Both campuses offer on ground education through a partnership with local school districts. If this bill was passed as introduced it would prevent us from serving the needs of juvenile sex offenders and would prevent us from assisting the youth in acquiring the skills they need to be productive members of society. I would be happy to work with any member to address our concerns with this bill; however, if these provisions are not corrected we urge to oppose the passage of this bill.