



**OFFICE OF THE DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT**

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**Testimony Regarding HB 2699
Submitted by Ron Paschal, Deputy District Attorney and Mark
Jordan, Chief Attorney On Behalf of the Office of The District
Attorney, 18th Judicial District**

Members of the Committee:

The Child in Need of Care Division of the Office of the District Attorney for the Eighteenth Judicial District is providing this written testimony in support of HB 2699 which would amend KS.A 38-2255(d) by adding a provision, to be contained in subsection (d)(6), which would give the court the discretion to “order supervision of a case by a court services officer when a child is in the custody of the secretary.” This new proposed subsection is needed due to a recent recommendation by the Court Services Officer Weighted Workload Study Workgroup to prohibit Court Services Officers involvement in Child in need of Care (CINC) Cases involving children in State’s custody. This recommendation will result in significant disruptions to the administration of the child welfare system in Sedgwick County and will result in outcomes contrary to the welfare of children and families involved in the foster care system. Consequently, because of the large number of children in foster care in Sedgwick County, this decision will have a significant impact on state-wide outcomes as well.

Court Service Officers (CSO’s) have been involved in the administration of CINC cases involving children in the custody of the Department for Children and Families (DCF) since the 1970’s. Over the course of almost 50 years, the role of CSO’s has been modified and refined by numerous district court judges assigned to the Juvenile Department. While the exact duties of the CSO’s have evolved through the years, their core function has always remained the same: assisting judges in managing and overseeing large caseloads comprised of extremely complex cases. The CINC CSO’s are the eyes and ears of the court and serve as a court liaison for the numerous parties and stakeholders involved in CINC cases. To suddenly prohibit the involvement in CINC cases of CSO’s that not only our judges rely on, but also the parents,

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parent's attorneys, guardian ad litem, foster parents, grandparents, DCF workers, foster care caseworkers, therapists and prosecutors will cause disruptions that will directly impact the lives of children.

The CSO in CINC cases in Sedgwick County is the most integral part of the CINC team. They are the central point of contact in the CINC case. They are in the unique position of being able to talk with and gather information from everyone involved in the CINC cases. They deal directly with parents, grandparents and foster parents. They attend case staffings, prepare court reports, talk with service providers, clarify court orders, help facilitate pre-trial conferences, prepare administrative orders and help locate and ensure arrangements are made for the timely transportation of parents in federal, state or local custody.

The CSO's also assist the court and the parties by reviewing the thousands of pages of documents submitted by Saint Francis Ministries (SFM), the DCF contract provider, for each and every permanency hearing docket and then submitting a summarized one to two page court report for each case assigned to them. Not only does this report synthesize all the information provided by SFM into a single document, but it also brings to the court's attention things that may have been overlooked; a crucial service for a child that may have lapsed, a critical incident in a foster home that the contract provider has failed to follow up on. Many times, these reports contain important information and observations that one could not glean from just reviewing the documents provided by SFM. The report also provides the court with independent recommendations on any additional needed court orders and overall case direction. The observations and recommendations of the CSO's provide invaluable assistance to the judges who are endeavoring to make the most informed decisions possible.

Presently, CSO's are the initial contact person for parents appearing at the temporary custody hearing. They collect contact information needed by the District Attorney's Office in order to send notice of upcoming hearings. In the future, additional delays and continuances can be expected if this office does not have the information available in order to send statutorily required notice to parties and interested parties. In meeting with parents, the CSO also assists in gathering the information needed to determine the applicability of the Indian Child Welfare Act (ICWA). In order to send notice, this office not only needs biographical information but also the name of the applicable tribe or tribes. Failure to send timely notice to tribes will also result in continuances being requested and granted and could even cause CINC adjudications to be set aside.

CSO's also perform court ordered drug testing of parents who are present in the courthouse, both immediately before and immediately after scheduled court hearings. These provide immediate feedback to the Court and to the parties and are an important tool in resolving issues related to case direction, including visitation, reintegration, permanency findings or the necessity of holding a previously scheduled evidentiary hearing. This office cannot and will not recommend reintegration or unsupervised visitation with parents who we believe are still struggling with the same substance abuse issues that caused their children to be removed from their home in the first place.

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Both the population and the demographics of Sedgwick County make this district unique. This office filed 650 CINC cases this year. There are weeks when this office files more CINC cases than some Judicial Districts will handle in an entire year. Each Judge assigned to the CINC Department has hundreds of active cases at any given time. Despite the fact that Sedgwick County has the largest juvenile population of any county in the state by a factor of two and more children in out-of-home placements than any other county, we consistently lead the state in terms of case outcomes. In 2018 Sedgwick County averaged an overall out-of-home placement length of 21 months, compared to 24, 26, 28 and 38 months for Johnson, Wyandotte, Douglas and Shawnee counties respectively.

The work of the CSO is an important reason why Sedgwick County's outcomes lead the state. While a CINC case may have half a dozen or more different SFM caseworkers assigned over the life of the case, many of whom have little experience, most CINC cases have a single CSO. The CINC CSO follows the case from the beginning to the end, from the filing of the initial ex parte order of protective custody to the successful reintegration of the children into the home of a biological parent or the finalization of an adoption with the child's new parents. The CSO's currently involved with CINC cases in Sedgwick County bring with them over a hundred years of combined institutional knowledge. This is not something that can be replaced. The work of the CSO's in CINC cases is vital to the Court's ability to make decisions which are in the best interest of children in foster care. Outcomes in Sedgwick County and by extension the entire state will suffer if the workgroup recommendations take effect.

The CINC Division of the District Attorney's Office for the 18th Judicial District strongly urges passage of HB 2699 which would add the new subsection (d)(6), thus allowing CSO's to continue to provide critical assistance to the Court on cases involving children in DCF custody.

Respectfully submitted



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