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Testimony Neutral on HB 2490
House Committee on Corrections and Juvenile Justice

Good afternoon, Chair Owens, Vice Chair Smith, Ranking Member Carmichael and Members of the House Committee on Corrections and Juvenile Justice. My name is Mike Fonkert and I am Deputy Director at the Kansas Appleseed Center for Law and Justice.

Kansas Appleseed Center for Law and Justice is a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities. At Appleseed we believe supporting Kansas youth and their success leads to a strong outlook for Kansas. We know that protecting youth justice reforms that reduce the use of incarceration, indefinite cases and detainment, and dedicated funding for continued investment in youth supports are essential parts of moving Kansas' youth justice work forward.

As such, I am here today to provide neutral testimony on HB 2490 today.

This bill would limit extensions of youth cases to 90 days per extension. We appreciate the spirit of this bill, and see it as an opportunity for the state to ensure that there are legal guardrails in place to reduce the risk that youth will end up with quasi-indefinite sentences. However, we disagree that 90 days per extension is the most appropriate and reasonable length of the extension. Instead, we urge that there be more intentional thought put into the length of the case extensions.

We know that research shows that time on probation or involved in the justice system doesn't always equal better outcomes for children.¹ One research study has pointed out that prolonging the probation period of a justice involved youth perpetuates a continuous cycle of involvement in the justice system. This is particularly harmful to young people because of the vulnerable development period they are in with regards to rational decision-making and behavior regulation. Results show that the longer a child is interacting with the justice system and on a prolonged probation, the greater risk for poor outcomes. Studies have also shown the inverse is true, as well, with a decrease in recidivism when a child successfully completes a set probation and support programs required of it.² The research is clear, the best way to ensure success

¹ Feierman, J., Mordecai, K., & Schwartz, R.G., "The Strategies to Reduce Juvenile Length of Stay." Juvenile Law Center. 2015. https://jlc.org/sites/default/files/publication_pdfs/LengthofStayStrategiesFinal.pdf

² Dir, A. L., Magee, L.A., Clifton, R.L., Fangquian, O., Wanzhu, T., Wiehe, S. E., & Aalsma, M. C. "The point of diminishing returns in juvenile probation: Probation requirements and risk of technical probation violations among first-time probation-involved youth." Psychol Public Policy Law. 2021.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8475969/>; Feierman, J., Mordecai, K., & Schwartz, R.G., "The Strategies to Reduce Juvenile Length of Stay." Juvenile Law Center. 2015.

https://jlc.org/sites/default/files/publication_pdfs/LengthofStayStrategiesFinal.pdf; Harvell, S., Sakala, L., & Matei, A. "Transforming Juvenile Probation: Restructuring Probation Terms to Promote Success." Urban Institute. 2021. https://assets.aecf.org/m/resourcedoc/PDF_urban-transformingjuvenileprobation-2021.pdf



for justice-involved youth is to reduce the time they interact with the justice system and provide meaningful programs and community support while they are involved with it.

Given this research, we would instead like to see the amount of time per extension to be reduced to 30, or at most 60, days. 30 day incremental extensions limits would require the court to revisit the youth's case each month to review the progress they have made on completing their requirements. A 30 day incremental extension would reduce continued life and developmental interruption to the young person and their family. It would also ensure that a young person struggling to complete requirements would not fall through the cracks of the justice system. 30 days, instead of quarterly, would mean any barriers or challenges that the young person is experiencing would be quickly identified and necessary support for successful completion of requirements put in place.

30 day incremental extensions would also ensure that Kansas' practice aligns with research-supported best practices. Best practices show that policies should limit the circumstances that probation terms can be extended. Probation should only be extended to allow the young person time to complete an evidence-based program based on their risk and needs assessments. Those extensions should also include policies that limit or prohibit lengthy extension periods. When a probation extension does occur, best practices indicate that policies should require review.³ We argue that a 90 day extension is not an appropriate extension length given the parameters of these research-based best practices.

Appleseed supports adding set timeframes for extensions. We understand and applaud the intentions behind this bill. However, we urge you to support strengthening this bill for the success of Kansas youth by adopting relevant amendments that limit the time of those extensions to 30 days.

Thank you for your time, and I'm happy to answer any questions.

³ Harvell, S., Sakala, L., & Matei, A. "Transforming Juvenile Probation: Restructuring Probation Terms to Promote Success." Urban Institute. 2021. https://assets.aecf.org/m/resourcedoc/PDF_urban-transformingjuvenileprobation-2021.pdf & Pew Charitable Trusts. "Issue Brief: Kansas' 2016 Juvenile Justice Reform." 2017. <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/kansas-2016-juvenile-justice-reform>