

An Unfinished Story: Kansas Youth Justice Reform 10 Years After Senate Bill 367

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To truly achieve the goals set forth by the juvenile justice system, any child, regardless of where in the state they call home, must have equal access to a fair system that recognizes the ultimate solution to juvenile crime lies in strengthening families and educational institutions, centering outcome-based programs, through a focus on partnership and community.

PURPOSE In 2016, the Kansas Legislature enacted Senate Bill 367, a comprehensive overhaul of the state's juvenile justice system. SB 367 aimed to reserve youth incarceration to only high-risk individuals, improve outcomes, and use evidence-based practices to revamp intervention. SB 367 limited the length of court jurisdiction and probation terms, depending on offense severity and risk assessment. Further, probation and detention limits were implemented for most offenses.

Rather than relying on secure confinement and punishment, SB 367 shifted Kansas toward community-based sentencing alternatives by expanding immediate intervention programs. It required the use of risk and needs assessments and established graduated sanctions for probation violations with non-custodial responses when possible. It mandated inter-agency collaboration and required reintegration planning for youth who had been removed from their homes. These amendments to the Kansas Juvenile Justice Code and the Code for Care of Children help to avoid youth reincarceration.¹

SB 367 created the Kansas Juvenile Justice Oversight Committee to sustain the reforms. The Committee was established to monitor

implementation, measure outcomes, and recommend improvements. A dedicated Evidence Based Programs Account was established, funded through projected savings from reduced incarceration, to support community programs, prevention efforts, and evidence-based services. The bill also mandated statewide training for practitioners, emphasized collaboration between agencies, and invested in data systems to track outcomes across the state.

The intent of SB 367 was to ensure that Kansas's juvenile justice system emphasized rehabilitation over punishment. The bill reserved out-of-home placement for only the most serious offenders and directed state resources toward interventions that addressed the root causes of delinquency. When enacted, it was a reform that other states looked to as a guide when evaluating their own youth justice systems.²

This report looks at the impact of SB 367 in Kansas a decade after its passage. It examines the rationale and research behind SB 367, its successes, the areas that still need reform in the youth justice system, the attacks on the bill since passage that have limited its effectiveness, and finally recommendations for future action to ensure the promises of SB 367 are realized. The purpose is to remind the state of the importance of these reforms for the success of Kansas children and communities.

PROBLEM Kansas has seen a wave of legislative activity that has gradually weakened its youth justice reforms. Several laws such as Senate Bill 42 (2017) and House Bill 2021 (2023) have expanded detention eligibility, undermined uniform application of graduated sanctions, and created barriers to care for vulnerable youth involved with the justice system. SB 367's rehabilitative, evidence-based approach has been eroded by subsequent enacted legislation that increases system involvement and punitive authority.

In 2016, the Kansas Legislature enacted Senate Bill 367, a comprehensive overhaul of the state's juvenile justice system... Rather than relying on secure confinement and punishment, SB 367 shifted Kansas toward community-based sentencing alternatives by expanding immediate intervention programs... The intent of SB 367 was to ensure that Kansas's juvenile justice system emphasized rehabilitation over punishment.

Failure to invest in systems that support at-risk youth is a policy decision to not invest in the future of all Kansas children. Since the reforms' initial years, officials have failed to fully invest in their promises of restorative and equitable justice. Ongoing misunderstandings about the fund's purpose and the spending plan developed by the Juvenile Justice Oversight Committee (JJOC) and the Kansas Department of Corrections (KDOC)—combined with bureaucratic red tape that has stalled investments—have led to repeated attempts to redirect funds earmarked for youth justice system improvements.

In 2021, the state legislature shifted \$21 million from justice-involved youth services and community programs to other areas of the budget.³ Fortunately, advocates and officials worked together to get that funding restored, but the attacks on those funds have persisted. When the dust settled in 2022, ultimately \$2 million had lapsed from dedicated funding for justice-

involved youth. In 2024, another \$7.5 million lapsed. And then again in 2025, \$10 million more was pulled away for other budget priorities, all while some of the biggest ideas for improving the youth justice system remain stalled and unrealized.

This is a larger systemic failure in the state. Since at least 2019, each year the Juvenile Justice Oversight Committee (JJOC) and the Kansas Department of Corrections (KDOC) have made millions of dollars available for reinvestment in budget items such as juvenile crisis intervention centers, enhanced substance abuse and mental health programming for youth and families, and enhanced family engagement services for families with kids involved with the justice system. However, logistical and bureaucratic hurdles have led to those funds remaining unspent. Because of this, the 2016 youth justice reforms have not been allowed to fulfill their promise to Kansas families and their children. Elected and administrative leaders have an opportunity to further explore the hurdles that have stifled reinvestment rather than being distracted by other priorities. Failure to do so is a broken promise to the children of this state.

FINDINGS Senate Bill 367, passed in the 2016 Legislative session, represents an overhaul of the punitive and detention-based youth justice system in Kansas to one focused on evidence-based restorative justice practices. Looking back nearly 10 years since SB 367 was enacted, a stream of subsequent and incremental legislative changes has weakened Kansas's commitment to a rehabilitative and progressive youth justice system. Indirect barriers to service access, carve-outs, and loopholes have chipped away at SB 367's intent. The shifts erode the protections SB 367 created and move the needle back to a more punitive system.

Prior to the comprehensive youth justice reforms, Kansas youth languished in detention centers

under a punitive and ineffective youth justice system. Yet, community-based programs provide significantly better outcomes for youth than secure and non-secure facilities. Research shows that limiting the time a youth spends in an out-of-home placement, such as a prison, group home, or other detention facility, lowers their risk of recidivism.

SB 367 enacted reforms aimed at reducing the number of youth entering the system and the use of out-of-home placements and detention options, as well as limiting the length of time a youth remains in the system, and creating new community-based programs to reduce recidivism. The bill also included oversight provisions to eliminate inequities in the system. The reforms had overwhelming bipartisan support.

The 2016 youth justice reforms have had a significant impact on youth in several key areas, indicating that reforms aimed at reducing youth prison population and recidivism are working. For example, case filings have fallen by 26%, and Kansas has reinvested about \$87.5 million into evidence-based programs in communities across the state since 2018. Approximately \$30 million of that has come from money the state saved when it closed the Juvenile Correctional Facility in Larned and reduced the number of children held at Youth Residential Centers.

From July 1, 2017, through September 30, 2018, 7,308 days of earned discharge credit have been awarded to juvenile probationers supervised by community supervision officers. Youth on probation in Kansas earned approximately 243 months off their probation periods for compliance and no violations. Those numbers continue to climb. In fiscal year 2024, youth earned 18,004 days in discharge credit, more than doubling the days earned in 2018. This is keeping children from languishing in the system while receiving evidence-based services to reduce recidivism and increase public safety.

In 2018, only 170 cases had successfully completed Immediate Intervention Plans (IIP). In fiscal year 2023, that number rose to almost 2,000. In fiscal year 2024 this intervention served 1,918 kids with 91% of cases successfully completing a case-plan program. That means since the reforms, more Kansas children are kept out of prisons and the justice system through other services, preventing the vicious pipeline of minor childhood mistakes leading to a lifetime cycle of involvement in the justice system.

In fiscal year 2024, the Office of Judicial Administration (OJA) completed 1,543 YLS/CMI (Youth Level of Service/Case Management Inventory) assessments, while community corrections in local jurisdictions completed 1,314 assessments. The outcomes of those assessments demonstrate that the majority of youth under court or community supervision are low- or moderate-risk. Further, the use of the assessment tool indicates that standardization and oversight are bringing equity, efficiency, and fairness to the youth justice system that was not there prior to the reforms.

Overall, youth recidivism rates in Kansas have declined dramatically since the state implemented reforms, indicating that evidence-based community programs and reduced reliance on detention facilities are improving outcomes for youth and public safety overall. In 2015, prior to the reforms, youth justice recidivism rates for Kansas were at 44%. In 2020, youth recidivism rates fell by nearly half, 21% to 23%.⁴

While the passage and implementation of SB 367 have seen overwhelmingly positive results, it hasn't been a "cure-all" for some of the more persistent gaps and issues within the youth justice system or the systems that connect to it, such as the child welfare system. Key areas the state needs to address include:

Prevention services: While SB 367 laid the

groundwork for reforms once a youth is in the system by introducing effective evidence-based programming, many advocates and officials within the system recognize that prevention is a largely overlooked component of a youth's justice involvement timeline.

Mental and behavioral health needs: Despite promises to provide mental and behavioral health services to youth, the deep need to engage mental health and behavioral health supports persists. Many youth who encounter the youth justice system still struggle to quickly and easily access the mental and behavioral health services they need. This intervention needs to be more accessible and become a normal component of sentencing expectations.

Addiction treatment: Much like mental and behavioral health, SB 367 promised Kansas children and families drug and substance abuse treatment, but the state has not met that promise with necessary treatment resources. Investment in holistic drug and substance abuse treatment programs for justice-involved youth that are consistently accessible and implemented would help realize the restorative and rehabilitative nature of the SB 367 reforms.

Crossover youth: It is an unfortunate truth that there is a connection between introduction into the foster care system and entry into the youth justice system, and vice versa. Youth who find themselves in the center of this Venn diagram, navigating both systems, are known as "crossover youth." There are opportunities to provide more services and support to families and kids in need when it comes to mental and behavioral health struggles, a lack of resources, and other barriers they are facing daily. There are preventative measures that can be taken to reduce children's introduction into both systems. Measures that emphasize a holistic approach and addressing root causes, such as access to housing, food, clothing, and health supports, thus

eliminating economic barriers that can lead to kids finding themselves stuck in these systems.

Shackling: The indiscriminate use of shackling in the courtroom, is a practice that was left unaddressed in the juvenile justice reforms of SB 367, leading to perpetuated harm for the youth trying to navigate the legal system. Shackling is counterproductive as it actively limits a youth's access to engage in the process, creates bias in sentences, and causes psychological harm, while the practice itself offers little, as most youth are not at risk of harm to themselves or others in the courtroom. Rather than protecting anyone, it is doing real and lasting harm to Kansas children and denying them their legal rights.

Fines and Fees: Fines and fees for youth offenders are inefficient and costly, and they drive youth further into the system, undermining public safety. SB 367 did not address fines and fees assessed against youth offenders. Fines and fees increase recidivism, push youth deeper into the juvenile justice system, undermine family well-being, and create barriers to educational and economic stability.

Racial disparities: Kansas continues to face racial disparities in its youth justice system, despite the reforms of SB 367. The SB 367 youth justice reforms sought to achieve a more equitable system for youth who come in contact with it through consistent sentencing standards, training for those working in the system, and community-based services for lower-risk youth. Still, the legal system disproportionately impacts youth in low-income households and youth of color.

HISTORY AND BACKGROUND OF YOUTH JUSTICE REFORMS Prior to the comprehensive youth justice reforms of Senate Bill 367 (2016), Kansas youth languished in detention centers under a punitive and ineffective youth justice system.

Between 2004 and 2014, the number of children held in Kansas residential facilities only declined

by 24%, despite youth arrests decreasing by 50% during that same period. Even with decreased arrests rates, Kansas still had the 6th highest youth detainment rate in the country in 2015.

During that same time period, Kansas held youth in detention centers for a longer time than the previous decade without reducing reoffending. 42% of children in Kansas sent to a secure facility were incarcerated again within three years of their release, and another 54% of children in non-secure facilities were not even successfully discharged to begin with.⁵

Not only were the punitive justice policies prior to SB 367 ineffective in preventing reoffending, but they also likely increased crime in the long run. Many of the children the state held in detention were there for low-level offenses like petty theft, possession of marijuana, or probation violations. 80% of the children Kansas was sending to out-of-home placements (i.e., secure and non-secure facilities away from their home), were classified as low or moderate risk individuals. Further, 35% of the youth who had been released from secure youth detention facilities had only been convicted of misdemeanors. Placing low-risk youth in prison or other secure facilities exposes the low-risk youth to the traumatic experiences associated with incarceration, and more serious offenders, which makes them more likely to commit more serious crimes after their release.⁶ A youth is identified as "low-risk" based on several factors, including but not limited to their criminal history; other important components of this assessment level are the youth's access to protective factors such as engagement in education, coping skills, cognitive skills, social skills, and positive prosocial peers.

The system prior to SB 367 was ineffective, counterproductive, and costly. Prior to 2016, more than two-thirds of the state's youth justice budget was spent on taking children away from their homes and putting them in an out-of-home placement or facility. Less than 1% was allocated to evidence-based community rehabilitation

programs, and only 2.3% for programs designed to prevent youth offenses.⁷ It is 15 times more expensive for the state to imprison children than it is to provide community-based services.

Community-based programs provide significantly better outcomes for youth than secure and non-secure facilities. Research shows that limiting the time a youth spends in an out-of-home placement, such as a prison, group home, or other detention facility, lowers their risk of recidivism. In 2015, KDOC found that youth removed from their families often did not receive appropriate treatment and were not prepared for release when the time came. The result was that most youth who left their facility placement returned to an out-of-home placement within six months of their release. Proven community-based programs are able to intervene more quickly and address problems in a child's family and peer networks at the same time that they are addressing the child's risks and behaviors.⁸

In 2015, a bipartisan Juvenile Justice Workgroup found that a lack of evidence-based community interventions and state standardized practices led to a youth justice system that was inconsistent and ineffective. In 2015, two reports highlighted the high costs

and unsatisfactory outcomes of the youth justice system. Those reports found that Kansas could do more to align its practices with research-supported interventions that reduce recidivism and improve outcomes. The second report found high rates of recidivism for youth leaving residential centers. To address these concerns, leaders of the executive, legislative, and judicial branches of the Kansas government established a bipartisan, intergovernmental workgroup. The group had 17 representatives from all parts of the youth justice system, including judges, attorneys, law enforcement, public defenders, state agency officials, and legislators from both parties and chambers. The group was tasked with examining the then-current youth justice system in the state to develop data-driven policy recommendations that would 1) promote public safety; 2) control costs; and 3) improve outcomes for youth, their families, and their communities.⁹

The workgroup conducted a comprehensive, data-driven analysis of the state's youth justice system and met monthly for six months. That analysis included data on arrest rates, admissions and lengths of stay in facilities, probation data, demographic data for youth in the justice system, and more. In addition to data collection and analysis, they held over two dozen roundtable

Cost Comparison of Imprisonment vs Community-Based Services

Cost per child in prison	Cost per child in non-secure facility	Cost per child receiving community-based services
\$330 per day	\$180 per day	\$22 per day

Sources: Pew Charitable Trusts. "Issue Brief: Kansas' 2016 Juvenile Justice Reform." 2017; Kansas Appleseed. Testimony on SB 367 Before the Kansas Senate Corrections and Juvenile Justice Committee. February 2, 2016. All numbers are adjusted for inflation and represent costs in today's dollars based on the U.S. Bureau of Labor Statistics' CPI Inflation Calculator.

discussions across the state with stakeholders. Following this work, the group formed subgroups to thoroughly develop additional policy recommendations. Those areas were: pre-adjudication and decision making; dispositions, supervision, and placement; and evidence-based practices and programming investment and oversight.¹⁰

The workgroup found the following based on their analysis:

- As crime fell, the youth justice system did not keep pace, meaning that despite arrest rates falling, incarceration rates did not fall at the same pace.
- Lower-level offenders accounted for a greater percentage of out-of-home placements.
- The cost to put a youth in an out-of-home placement was high.
- Evidence-based services in communities were scarce.
- The lack of standardization in the state led to disparate outcomes, meaning the group found wide variation in counties and judicial districts in how youth were treated in the system. Without statutory guidance or standardized assessments, the state had vast geographic disparities in the use of secure and non-secure facilities for youth.
- Information sharing was insufficient and inconsistent. Without comprehensive outcome data collection, the system had no accountability.
- Out-of-home placement and longer stays in those placements did not reduce reoffending.¹¹

Based on their research and findings, the workgroup developed 40 data-driven, fiscally responsible policy recommendations. These key recommendations include:

- Providing appropriate responses to youth

behavior, including enhancing and standardizing pre-court and post-court diversion for consistent responses to behavior.

- Using pre-adjudication detention only for higher-risk youth.
- Using detention and other residential facilities only for the youth who present the highest public safety risks.
- Developing a statewide system of structured, community-based responses and services for youth, families, and communities.
- Improving case planning to streamline and optimize service referrals for justice-involved youth, allowing youth to access the services they need.
- Reinvesting all costs from reducing incarceration and other out-of-home placements into evidence-based services in the community.
- Ensuring those working in the youth justice system receive effective and comprehensive training on evidence-based practices.



- Improve the quality of defense services justice-involved youth receive.
- Increase data collection and sharing across the system and develop performance measures to track outcomes.
- Establish an oversight entity to monitor reforms and study additional areas for improvement.¹²

Understanding that an inconsistent system is inherently unjust and ineffective, the policy measures were implemented statewide. A bipartisan group of individuals in the state, including then-Governor Sam Brownback, Chief Justice Lawton Nuss, Speaker Raymond Merrik, Senate President Susan Wagle, Senate Minority Leader Anthony Hensley, and House Minority Leader Tom Burroughs, supported the recommendations found in the workgroup's report. Those recommendations became the basis for the comprehensive justice reforms put forth in Senate Bill 367.¹³

SB 367, passed in the 2016 Legislative session, represents an overhaul of the punitive and detention-based youth justice system in Kansas to one focused on evidence-based restorative justice practices. The Senate Committee on Corrections and Juvenile Justice, a Committee that has since been dissolved and consolidated with the Judiciary Committee, drafted the policy recommendations from the workgroup into legislation for the 2016 legislative session. The bill represented a comprehensive overhaul of the state's youth justice system. The intent of SB 367 was to ensure that Kansas's juvenile justice system emphasized rehabilitation over punishment. The bill reserved out-of-home placement for only the most serious offenders and directed state resources toward interventions that addressed the root causes of delinquency. When enacted, SB 367 was a progressive reform that other states have looked to as a guide when evaluating their own youth justice systems.¹⁴

The bill focused on four main areas of reform to bring restorative justice to Kansas youth.

Reducing the number of youth entering the system: To achieve this goal, the bill used the Immediate Intervention Program (IIP). This program existed prior to reforms, however, SB 367 made it mandatory to offer the program to youth for their first misdemeanor offense. There were crimes like sex offenses excluded from the requirement. The intervention program works similarly to a diversion, in that it does not result in a conviction. Unlike diversion, though, youth don't have to waive certain constitutional rights as a diversion would require.

Reducing the use of out-of-home placement and detention options: Prior to SB 367, youth could be sentenced to in-home probation or out-of-home placements. Out-of-home placements are facilities like group homes and correctional facilities. To reduce the use of these out-of-home placement options, SB 367 essentially eliminated group homes and reserved correctional facility placements for youth with the highest level of risk and most serious offenses.

Limiting how long a youth remains in the system: SB 367 limited the length of court jurisdiction and probation terms, with maximum case lengths ranging from 12 to 18 months, depending on offense severity and risk assessment. Further, the probation cap has limited opportunities for extension. The bill also capped cumulative detention to 45 days for most offenses. Prior to reforms, there were no limits on how long youth offenders could be on probation, how long they could languish in detention, or how extensive their total case length could be.

Creating new community-based programs aimed at reducing recidivism: With anticipated savings from reducing the number of children confined to out-of-home placements, SB 367 established a reinvestment plan in which those savings would be invested in creating and expanding community-based programs for youth offenders. These include programs such as family therapy, anger management, mental health services, and drug and alcohol rehabilitation.¹⁵

To ensure the success of youth justice reforms and address workgroup recommendations on oversight and consistency in the system, SB 367 included important oversight provisions. It created the 21-member Kansas Juvenile Justice Oversight Committee to sustain the reforms. The Committee was established to monitor implementation, measure outcomes, and recommend improvements. A dedicated Kansas Juvenile Justice Improvement Fund, later named the Evidence-Based Programs Account, was established. It is funded through projected savings from reduced incarceration, to support community programs, prevention efforts, and evidence-based services. The bill also mandated statewide training for practitioners, emphasized collaboration between agencies, and invested in data systems to track outcomes across the state.¹⁶

Much like the workgroup that developed the SB 367 recommendations, the reforms passed with overwhelming bipartisan support. After its introduction, SB 367 underwent revisions in committee and in conference committees. However, the final bill represents the substantial overhaul of the youth justice system that the 2015 workgroup made clear the state needed.

Through the legislative process, the bill had bipartisan proponents and supporters from all parts of the justice system, including the Kansas Sheriffs Association, Kansas Association of Chiefs of Police, Kansas Community Corrections Association, the Kansas Department of Corrections, ACLU of Kansas, Association of Mental Health Centers of Kansas, Kansas Center of Economic Growth, Kansans United for Youth Justice, and the Kansas Association of Criminal Defense Lawyers. Testimony in support of the bill from these proponents emphasized the evidence-based practices in the bill, along with the importance of reducing the use of detention and increasing oversight.

SB 367 passed with substantial bipartisan support in both the House and Senate. The House passed it 118 to 5, and the Senate passed it unanimously. When SB 367 reached the desk of then-governor Brownback, a conservative Republican, he signed the bill into law. Upon signing the bill into law, Brownback expressed his support for the reforms and the restorative justice practices promised by the bill. He stated, “This legislation aligns our juvenile justice system with what the research shows works best to reduce recidivism, keep families strong, and guide our youth toward a better path.”¹⁷

THE IMPACT OF YOUTH JUSTICE REFORMS

The 2016 youth justice reforms have had a significant impact on youth in several key areas, indicating that reforms aimed at reducing youth prison population and recidivism are working.

Case filings: There was a 26% decrease in case filings between fiscal year 2017 and 2023, especially for misdemeanor filings.

Youth Level of Service/Case Management

Inventory (YLS/CMI): SB 367 charged the Office of Judicial Administration (OJA) and KDOC with adopting a statewide risk assessment tool. The YLS/CMI is a standardized, evidence-based risk and need assessment used to identify potential risk of reoffending, determine intervention targets, measure change, and establish the foundation for case management practices. Currently, over 350 community supervision officers use the YLS/CMI. In fiscal year 2024, OJA completed 1,543 YLS/CMI assessments, while community corrections in local jurisdictions completed 1,314 assessments. The outcomes of those assessments demonstrate that the majority of youth under court or community supervision are identified as low or moderate risk. Further, the use of the assessment tool indicates that standardization and oversight are bringing equity, efficiency, and fairness to the youth justice

system that was not there prior to the reforms.

Immediate Intervention Programs (IIP): SB 367 mandated the use of IIPs to reduce the number of children going through the courts and detention centers for minor crimes. IIPs divert low-risk youth to evidence-based services in the community rather than going through the formal court adjudication process. This ultimately saves time and money while also improving public safety and outcomes. In 2018, only 170 cases had successfully completed IIP. In fiscal year 2023, that number had risen to almost 2,000. In fiscal year 2024, 91% of cases completed a case-plan program. That means since the reforms, more Kansas children are kept out of prisons and the justice system through other services, preventing the vicious pipeline of childhood mistakes leading to a lifetime cycle of involvement in the justice system.

Probation Programs: SB 367 required the state to establish rules for a system of earned discharge for juvenile probationers. Earned discharge allows youth on probation who have substantially complied with the conditions of their probation without any violations filed with the court to earn seven days' credit for each full month of compliance. From July 1, 2018, through September 30, 2018, 7,308 days of earned discharge credit have been awarded to juvenile probationers supervised by community supervision officers. Youth on probation in Kansas earned approximately 243 months off their probation periods for compliance and no violations. Those numbers continue to climb. In fiscal year 2024, youth earned 18,004 days in discharge credit, more than doubling the days earned in 2018. This is keeping children from languishing in the system while receiving evidence-based services to reduce recidivism and increase public safety.

Reinvestment into Community Programs: Since 2018, Kansas has reinvested about \$87.5 million into evidence-based programs in

communities across the state. Approximately \$30 million of that has come from money the state saved when it closed the Juvenile Correctional Facility in Larned and reduced the number of children held at Youth Residential Centers.

Functional Family Therapy: This evidence and community-based service serves kids ages 11 to 18 with behavioral and emotional challenges. It is focused on enhancing protective factors in the family, while mitigating risk factors for the child, such as substance use, delinquent behaviors, and negative peer influence. This has been proven to help break cycles of offending for youth while still keeping them in their home, as opposed to a facility. In fiscal year 2024, 119 youth in 20 judicial districts in Kansas received these services.¹⁸

Overall, youth recidivism rates in Kansas have declined dramatically since the state implemented reforms, indicating that evidence-based community programs and reduced reliance on detention facilities are improving outcomes for youth and public safety overall. As mentioned previously, in 2015, youth justice recidivism rates for Kansas were at 44%. A number which had fallen by 21% to 23% in 2020.¹⁹

Outcomes for Kansas children continue to support the importance of evidence-based interventions to achieve successful outcomes, reduce recidivism, reduce costs, and increase public safety. These successes have been realized despite an ongoing mental health crisis in the state, limited community-based resources for youth involved in the justice system, and legislative efforts to roll back reforms.²⁰

ATTACKS ON REFORMS SB 367 reforms, despite bipartisan support, have been facing ongoing attacks and attempts to roll them back, limiting their overall effectiveness.

Unfortunately, Kansas has seen a wave of legislative activity that has gradually weakened its youth justice reforms over the last 10 years, despite overwhelming evidence that urges Kansas to move forward with reforms aligned with SB 367. Several laws have expanded detention eligibility, undermined uniform application of graduated sanctions, and created barriers to care for vulnerable youth involved with the justice system. Thankfully, a few measures have reinforced privacy and procedural fairness; however, the overall progress established through SB 367's rehabilitative, evidence-based approach has been eroded by subsequent enacted legislation that increases system involvement and punitive authority.

SB 42, enacted in 2017, just a year after SB 367's reforms, is the most significant erosion of the reformed youth justice system. This bill introduced significant carve-outs to SB 367's otherwise strict probation and case length limits. The carve-outs also add discretion to graduated sanctions limited by SB 367. These changes especially impacted absconding youth. Further, SB 42 provides judges with broadened authority to detain juveniles who used a firearm in the commission of a felony offense, regardless of the juvenile's risk level. This bill directly erodes SB 367's intent to limit incarceration.²¹

HB 2454, passed in 2018, made procedural tweaks to the youth justice system reformed by SB 367. Some tweaks were positive and strengthened the system. For example, HB 2454 set clear hearing deadlines. Other tweaks weakened the system by altering oversight metrics and allowing for lengthier supervision. The erosion of SB 367 is present in HB 2454, albeit subtler than SB 42.²²

HB 2021, legislation from 2023, also had a mixed effect on SB 367's reforms. The bill strengthened the youth justice system by enabling greater inter-agency collaboration, expanding access to services by increasing eligibility, and creating funding opportunities for underserved counties. However, the bill eroded the system by permitting incremental extensions to case length limits

when juveniles intentionally delay completing their program. HB 2021 opened new pathways to detention that SB 367 sought to minimize. Judges are now permitted to incarcerate juveniles for probation violations, including escalating behavioral issues, without first exhausting intermediate sanctions. It also incrementally extends case lengths and permits detention periods up to 15 days for repeat violations. Overall, HB 2021 is another example of how enacted legislation can be a mixed bag of impact, but the policy change collectively erodes the protections attempted by SB 367.²³

Other legislation has also been passed over the past 10 years that may not immediately seem connected to juvenile justice issues; however, these changes in statute still alter consequences and system involvement, indirectly eroding SB 367 by increasing system involvement for vulnerable youth. These include SB 180 (2023) and SB 63 (2025), which both explicitly impact LGBTQ+ youth and limit mental health care access. SB 180 legally defines sex as biological and at birth, authorizing separate accommodations in settings like detention facilities, schools, and shelters. This legal framework permits differential treatment of youth based on biological sex, potentially undermining SB 367's rehabilitative intent by limiting access to services.²⁴ SB 63 introduces categorical exclusions to care based on identity. The



sweeping restrictions on gender-affirming care severely limit therapeutic options for LGBTQ+ youth in the justice system.²⁵

Much of the support for legislation that has weakened SB 367's effectiveness over the past decade has come from district attorney offices, county commissioners, juvenile detention centers, and organizations involved in the foster care system—many of them in Sedgwick County. The changes this group has endorsed, such as raising sentencing caps and expanding judicial discretion, are promoted as ways to address the gaps affecting medium-risk and crossover youth. Yet the enacted modifications to SB 367 are punitive, regressive, and lack an evidence base. Helping young people rebuild their lives does not begin with detention and punishment; it begins with fully funded, community-centric rehabilitation, as originally intended by SB 367.²⁶

FUTURE ATTACKS The Legislature continues to undermine the priorities shift and progress established through SB 367. House Bill 2329 doubles the cumulative detention limit from 45 to 90 days. It creates the ability to place youth in detention if they are identified as moderate-risk chronic offenders, rather than reserving this placement for high-risk offenders, ignoring evidence-based tool recommendations based on that youth's actual risk level. It also eliminates the distinction between youth who used a firearm during the commission of an offense and those who only had possession of a firearm, and doubles the minimum sentencing to 12 months for these firearm-related charges. It also increases the maximum sentence from 18 months to 24 months, two years a youth could spend incarcerated for possessing a firearm, even if it wasn't used during the commission of a crime.

HB 2329 also reintroduces harmful non-foster home beds in youth residential facilities or "group homes" and requires that these 35-45 beds be paid for out of the evidence-based programs account, up to \$10 million. SB 367 specifically requires that funding must be protected for use towards programs with proven success in achieving positive results for youth. Group

homes have been empirically proven not to serve youth. They are failed facilities that are notorious hotbeds for, at best, learning new behaviors from higher-risk youth, and at worst, recruitment for human trafficking, and sexual and physical violence at the hands of other youth and staff.

These changes are out of alignment with evidence-based best practice. Increased detention time does not help kids; it actively causes harm and undermines public safety. Placement in out-of-home facilities has been found to impede youth's ability to mature psychologically. Psychological immaturity is one of the factors that makes law-breaking more common in youth. Incarceration in juvenile facilities has been found to significantly reduce employment rates, wages, and participation in the labor force for youth.²⁷

Nearly one-third of incarcerated youth suffer from PTSD.²⁸ An article in the Juvenile & Family Court Journal explained, "The trauma produced by incarceration may actually increase poor behavior, as youth struggle to cope with the emotional impact of confinement and to manage their subsequent externalizing behaviors."²⁹ Thus, "higher rates of incarceration may actually create more crime."³⁰ In fact, studies have shown the trauma of incarceration is a larger predictor of recidivism than gang membership, parental abuse, or carrying a weapon.³¹

These efforts to roll back juvenile justice reforms are detrimental to the progress and positive results Kansas worked hard to establish through the 2016 youth justice reforms. Despite years of proven results showing that community-based rehabilitation programs work despite imperfect policies, systems, and resources, Legislators have been determined and successful in rolling back reforms. Opponents of the reforms are quick to say SB 367 did not achieve the outcomes it promised.³² However, this stance ignores the fact that the reforms have not been allowed to succeed since they haven't been able to be fully implemented.

Kansans must hold strong against attempts

to roll back reforms. These proposed changes to the statute are completely unacceptable, considering the myriad of evidence that increased detention is harmful, and group settings in the juvenile correction system pose significant risks. These efforts are detrimental to the progress and positive results Kansas worked hard to establish through the 2016 youth justice reforms. Proponents of undoing the reforms are quick to say SB 367 did not achieve the outcomes it promised.³³ However, this stance ignores the fact that the reforms have never been allowed to reach their full potential and they were never intended to solve every problem in the youth justice system, but rather to serve as a new baseline from which the system could continue to adapt and improve.

RECOMMENDATIONS Successfully achieving the desired outcomes of the youth justice reforms requires considering children holistically and addressing root causes rather than simply eliminating incarceration. While the passage and implementation of SB 367 have seen overwhelmingly positive results, it hasn't been a "cure-all" for some of the more persistent gaps and issues within the youth justice system or the systems that connect to it, such as the child welfare system. There are many opportunities to build on the foundations of these reforms, and there are pain points that require thoughtful solutions that weren't fully realized 10 years ago.

PREVENTION SERVICES Prevention services to address behaviors before they lead to offenses would continue to advance the evidence-based methods and outcomes championed in SB 367. While SB 367 laid the groundwork for reforms once a youth is in the system by introducing effective evidence-based programming, many advocates and officials within the system recognize that there is a largely overlooked component of a youth's justice involvement timeline. That is the time before a youth engages in criminal behavior and encounters the system in the first place. Typical practice does not examine the environment that led a youth to become entangled in the youth

justice system. Energy and services are instead aimed at preventing future offenses.

The state is missing an opportunity to improve the effectiveness of youth justice reforms by failing to develop policies and processes to address behaviors that lead to criminal activity. There is a template for understanding what state policy could do in this area. Legislation proposed by the Department of Children and Families would prevent kids who are at-risk from unnecessarily entering the child welfare system by providing resources that help families meet children's needs at home. However, those same conversations have not occurred to the same degree around children at-risk of entering the youth justice system.

Providing resources and services to at-risk children, no matter which system they could enter, would also support a family's efforts of keeping their child safely at home and address underlying issues that lead to criminal behaviors. A youth is far less likely to get caught stealing food if that family was identified as underfed and their needs were supported. A youth who may be struggling with behaviors could receive mental health and behavioral health services to navigate their emotions and learn more effective and safe coping skills before a behavior becomes so intense that it tips into the realm of "criminogenic."

The children of Kansas need safe homes where their needs are met. Research overwhelmingly shows that children do best and exposure to trauma is reduced when they stay with their families.³⁴ Children at risk need to be safely maintained in their homes or a home-like environment with community services to help them. The youth justice reforms promise to do just that: keep children with their families through probation and in-home services as opposed to locking them up. However, reforms to prevent contact with the system altogether will lead to a more holistic and effective system.

FITTING INTERVENTIONS WITH NEEDS: MENTAL AND BEHAVIORAL

HEALTH Despite promises to provide mental and behavioral health services to youth, the deep need to engage mental health and behavioral health supports remains. Many youth who encounter the youth justice system still struggle to readily access mental and behavioral health services. This intervention needs to be more accessible and become a normal component of sentencing expectations. Kansas has long struggled with adequate availability of mental health services due to a myriad of barriers, and this directly impacts these at-risk youth who desperately need these tools. For courts that do already include mental health services, there can still be a lack of transparency to confirm utilization and assess outcomes.

Stakeholders and advocates have expressed concern about a lack of commitment to providing needed mental and behavioral health services to youth across the state or in all courtrooms. The reforms in SB 367 addressed the harm incarceration does to children and public safety, but without mental health services and a holistic approach, the state is not actively helping and undoing harm.³⁵

“I think the one thing not hit hard with SB 367 was behavioral health,” said Jeff Butrick, Director of Community Based Services, Kansas Department of Corrections. “That is still one aspect of youth justice that has to be addressed. There’s suicide issues, there’s behavioral health crises. This is a big balloon that needs to be popped, because those kids may not fit [into] child welfare or juvenile justice because they need to be dealt with on the behavioral health side, and as a state, we’re behind with services and programming with that.”

ADDICTION TREATMENT Much like mental and behavioral health, SB 367 promised Kansas children and families drug and substance abuse treatment, but despite recommendations from the Juvenile Justice Oversight Committee for more spending on this, the state has been slow to meet that promise with necessary treatment resources. Although KDOC notes continued

“It’s early intervention and it’s more openness between different systems to be able to identify and work through issues at the early stages instead of waiting until the justice system is the last resort.”

- Megan Milner, Deputy Secretary of Adult and Juvenile Community-Based Services, Kansas Department of Corrections

financial investment in evidence-based drug and substance abuse programs for youth offenders, stakeholders have called into question the availability, consistency, and effectiveness of the programs that youth in Kansas currently have access to.³⁶

Investment in holistic drug and substance abuse treatment programs for justice-involved youth that is consistently accessible and implemented would help realize the restorative and rehabilitative nature of the SB 367 reforms. Research indicates that best practices for drug and substance abuse treatment for justice-involved youth must address the linkage between co-occurring substance use and mental health. As such, using established research-based best practices that address a holistic approach to drug treatment also improves the behavioral outcomes for justice-involved youth. Research further supports that interagency collaboration, communication, and alignment lead to improved outcomes for youth experiencing drug addiction. The long-term results indicate not only treating substance use, but also mental health problems, and reduced recidivism.³⁷ It is simply not enough to have drug treatment programs that are not consistently provided throughout the state and do not treat the child from a holistic perspective that

considers the root causes of their addiction.

Jamie VanHouten, the Director of Community Corrections in Leavenworth County shares her thoughts on this topic, “[We need] Residential and Intensive Outpatient Programs (IOP) for addiction, as well as dual-licensed and dual-diagnosis therapies. A place that could address a youth’s trauma as well as their addiction hand-in-hand. We can often get them clean and sober, but if we don’t ever address the underlying traumas, they don’t have the cognition and awareness to understand their traumas, let alone explain them and work through them most of the time.”

CROSSOVER YOUTH: FOSTER CARE AND THE JUVENILE JUSTICE SYSTEM

It is an unfortunate truth that there is a connection between introduction into the foster care system and entry into the youth justice system, and vice versa. Youth who find themselves in the center of this Venn diagram, navigating both systems, are known as “crossover youth.” In instances when a youth enters the foster care system, it is crucial to understand the harm and trauma that the child or young person is experiencing. This, along with any existing behavioral health issues, can create extremely high-risk behaviors that can impact placement stability and behavior, which could lead to contact with the justice system.

This struggle is not the fault of the youth. Children who have been removed from their homes, and in many cases their circle of friends and their communities, are likely to have elevated struggles and more intensive behaviors. We must consider how someone with an underdeveloped frontal cortex (the part of the brain that affects impulsivity) will react to such a significant disruption to their daily lives. Youth who lack structure are going to have a hard transition, especially if their placement introduces restrictions on access to a phone, social media, and even going to their school, their friends’ homes, or places in the community where they

may have spent time previously.

Alternatively, there are youth who have significant behavioral health struggles that first lead them into contact with the youth justice system. This introduction may ultimately lead the youth to finding themselves also navigating the foster care system. This occurs when families don’t have the resources, support, or skill set to appropriately navigate these significantly high-risk behaviors.

There are preventative opportunities in both the foster care and youth justice system to provide more services and support to families and kids in need to address mental and behavioral health struggles, a lack of resources, and other barriers they are facing daily. Implementing these preventative measures reduces the number of kids involved in both systems, by emphasizing a holistic approach and addressing root causes, such as access to housing, food, clothing, and health supports. Resourced families can focus energy outside of “survival mode” and take on the other challenges they are navigating. Families in communities with easy access to a variety of supports are more likely to engage and see positive results before it’s too late.

When systems fail to prevent these situations, kids experience the most significant placement instability and a continuously growing juvenile record that will follow them into adulthood, often creating a cycle of recidivism. It is imperative for the state to capitalize on the growth in more therapeutic familial placement availability to allow these youth to exist in a safe environment that is considerate of their needs. Therapeutic foster homes have the chance to provide that familial-like placement with foster parents better prepared to navigate the challenges high-risk behaviors present, and the provision of support for the youth struggling with these behaviors. They are a significant improvement over group facility settings for youth, but by keeping high-risk youth out of group settings, these placements also help

“I think we would love for families to be able to access services in their community without having to touch either system... We continue to look at making sure that the front door to foster care is not too wide, that young people who can remain safely at home do so.”

- Rebecca Gerhardt, Director of Permanency and Licensing, Department for Children and Families

address the impacts these behaviors can have on other youth and staff in these facilities.

Similar to the thought behind the “housing first” initiative— an effort to secure housing to create a stable environment, before moving forward in addressing other concerns— kids cannot navigate their high-risk behaviors and unwind their accumulated traumas if they can’t have a consistent, safe place to go to at the end of the day. “Stability first” also recognizes the responsibility of the adults within the system to provide appropriate placements rather than placing blame on the youth for not addressing their behaviors.

Blaming youth justice reforms for the struggles in the foster care system is misleading and unfounded. State foster care leaders have blamed their struggles to find stable youth placements on the youth justice reforms. They argue that they have an influx of children entering their care who otherwise would have been treated under the youth justice system before 2016. They say these children have behavioral problems that they are not equipped to handle and cannot find placements for.³⁸ Yet, there is no evidence

that the number of children entering foster care due to child behavior problems has increased since the justice reforms. The trend since youth justice reforms shows the number of children entering foster care due to behavioral problems has trended downward.³⁹ Further, there is nothing to indicate that children entering foster care due to behavioral issues would have been treated through the justice system before 2016.

These critiques of reforms clearly show that the state needs to invest more in services for at-risk children in the justice and foster care systems. Fulfilling the promise of justice reforms will help keep children at home with their families and out of foster care placements.

SHACKLING Shackling was not addressed in the SB 367 reforms, and it continues to harm Kansas youth. Shackling involves using chains, leg irons, handcuffs, and/or restraints on youth in custody, transferred to court, or during a court hearing. That means children—boys and girls who are still growing physically and mentally—are being restrained with shackling devices that can weigh up to 25 pounds.⁴⁰ In 2016, the Legislature committed to a rehabilitative youth justice system. Yet, from the start of their involvement with the justice system, children in Kansas are treated as dangerous criminals.

Shackling is counterproductive. Rather than improving safety, it is doing real and lasting harm to Kansas children. Research shows indiscriminate shackling of youth leads to retraumatization and shame and increases recidivism of youth involved in the justice system. Experts and medical professionals agree that public shackling is inherently shame-producing and humiliating. This is even more acute in children and adolescents who are vulnerable to lasting harm from humiliation and shame. Shackling labels children as dangerous, and they are likely to react negatively to being stigmatized. That has lasting adverse effects on self-identity formation, which is crucial during the teenage years of development.⁴¹

Shackling denies children their legal rights.

The US Supreme Court has established a clear presumption against adult shackling.⁴² Still, children in Kansas face hearings shackled or restrained in some way. This impedes their ability to have a fair hearing.

A rehabilitative youth justice system should be helping children, not retraumatizing them.

Research shows that most children involved in detention have witnessed family or community violence. Youth in the justice system, overall, have experienced more trauma than their peers. A rehabilitative justice system should use trauma-informed practices. Among those is the need to avoid “trauma reminders.” Shackling is one of these trauma reminders because of how it sends the message to youth that they are dangerous or damaged. It is taking bodily autonomy and control from children. This is especially harmful and re-traumatizing to youth who have experienced abuse.⁴³

The Legislature continues to ignore this demeaning practice and has not protected kids. In recent legislative sessions, bills to end youth shackling in court were introduced but repeatedly died in committee, including two in 2023.

FINES AND FEES Fines and fees for youth offenders are inefficient and costly, and they drive youth further into the system, undermining public safety. SB 367 did not address fines and fees assessed against youth offenders. In fact, it explicitly allowed for courts to charge and collect a supervision fee for youth receiving community-based services.⁴⁴ At the end of a case, families may face court fines and fees that can total in the tens of thousands of dollars.⁴⁵ Kansas imposes more types of costs on youth in the juvenile justice system than almost any other state.⁴⁶ These fees can begin as soon as a case is filed.⁴⁷

Unpaid court costs may then prevent expungement of juvenile records, limiting youths’ ability to move forward with their lives.⁴⁸ Additionally, in Kansas, unpaid fines and fees are automatically treated as civil judgments against youth, with a risk to youth and families’ credit scores and their broader financial stability.⁴⁹ Moreover, Kansas statutes authorize interest

to accrue on money judgments, which allows already impractical costs to multiply.⁵⁰

Fines and fees increase recidivism, push youth deeper in the juvenile justice system, undermine family well-being, and create barriers to educational and economic stability. These harms are felt most acutely by young people already facing economic instability and have a racially disparate impact. A growing body of research has found that monetary sanctions cause an increase in youth recidivism and therefore undermine public safety.⁵¹ A 2023 criminology study of more than 1,000 cases found that youth who owed fines and fees had higher recidivism rates than those who did not, even when controlling for age, race, gender, and type of offense—and the more they owed, the larger the increase.⁵² More than 13.3% of youth surveyed in that study reported they would resort to criminal activity to pay fees or fines.⁵³ As a result, youth fines and fees undermine the Kansas juvenile justice system’s goal of promoting public safety.

The juvenile justice system is meant to promote community safety and help rehabilitate youth.⁵⁴ Under the Kansas Juvenile Justice Code, policies must be designed “to be cost-effectively implemented to utilize resources wisely” and “be outcome-based.” Assessing fines and fees on youth does not promote public safety, is not cost efficient, and creates significant and lasting harm for youth and their families. To fully implement



the promise of SB 367, legislators must end the practice of imposing fines and fees for youth offenders.

RACIAL DISPARITIES Kansas continues to face racial disparities in its youth justice system, despite the promise of a fairer system in SB 367. The SB 367 youth justice reforms promised a more fair system for youth who come in contact with it through consistent sentencing standards, training for those working in the system, and community-based services for lower-risk youth. Still, the legal system disproportionately impacts youth in low-income households and youth of color.⁵⁵ Black, Latino, and Indigenous youth are exposed to deeper juvenile legal system involvement and higher juvenile fines and fees than their white peers, regardless of underlying conduct.⁵⁶ In Kansas in 2017, for example, Black youth were detained at a rate 6 times that of their white peers, despite similar rates of conduct that typically lead to juvenile justice involvement.⁵⁷

Policies and practices that more fully realize the promise of SB 367 will help address the continued harm racial disparities perpetrate for Kansas youth. SB 367 aimed to standardize sentencing practices across the state with guidance and standards for sentencing and risk assessments. It further established training and oversight to ensure the effective and consistent implementation of these standards. However, those efforts have not been put into practice as intended by the principles of SB 367, as evidenced by the disparities across the state and demographics.⁵⁸ Systemic improvements around court practices, youth defense, and training could help address these persistent disparities.

EQUIPPING EVERYONE FOR SUCCESS: SYSTEMIC CHANGES

Many of the aforementioned shortfalls in youth justice reforms stem from the need for ongoing reforms. SB 367 included provisions to begin oversight, data collection and sharing, and training. However, without resources and systemic improvements to support those initial changes, the effectiveness of SB 367's efforts has been stymied and limited.

Many Kansas children rely on their public defenders to navigate a confusing system, but research has shown that youth defenders in the state need better structure, training, support, and compensation to develop the expertise needed to provide effective counsel to youth in the justice system. Youth need equal access to quality defense counsel when navigating the youth justice system. Establishing a centralized system of public defenders specializing in youth cases would provide this sort of support to young Kansans. A standardized and specialized system could address the following shortcomings:

- Research shows that Kansas youth are not always provided counsel when they come into immediate contact with the justice system, yet best practice is that youth should have a public defender present from interrogation through the entire justice system process. For example, Kansas stakeholders have reported that youth do not always have counsel when they enter into Immediate Intervention Programs. This means youth may be signing complicated legal agreements without understanding what they are agreeing to.
- Research has found, across several areas, such as determining probable cause at detention hearings for youth, that youth defenders are not advocating for their clients.
- Best practice for effective representation is to establish an attorney-client relationship through early communication with the youth to build rapport, confidence, and trust. Stakeholders have reported that defense attorneys for youth frequently do their work in the courtroom hallway, even meeting their client for the first time before a hearing.
- Researchers have found that far too often, youth defenders engage in the plea process without investigating or advocating for their clients. In some cases, the defense may even be incentivized to expedite pleas. Stakeholders estimate that more than 95% of Kansas youth cases involve a plea deal rather than a trial. Observers of youth court cases have noted that defenders often do not explain the plea

deal and what waiving the right to trial may mean for the client's future. Children pressured into a plea deal they don't understand doesn't improve public safety or help the child. Instead, it could set the child up for a life of involvement in the justice system and all the difficulties associated with it.

A strong, specialized youth defense system in Kansas would address the systemic failings of the court system for youth in the following ways:

Statewide Standards and Oversight: In Kansas, there is an established system to ensure adults have a defense attorney. However, no equivalent exists for youth. Cities and counties must provide defense services for youth through contracts or other methods. Kansas is one of only four states without a salaried public defense system for youth. This also means that pay for youth defense attorneys is not equitable, which could lead to disparate representation depending on where the child is located in the state. A standard, specialized system would create expectations and practices of professionalization, accountability, and pay increases, providing better representation to youth navigating the often confusing system.

Specialization and Access to Youth-Specific Training: Specialized training is essential for effective defense of youth. Youth cases involve a unique body of law and outcomes that have lifelong implications for children. Further, youth are at different developmental points in their lives, and how they understand and act is very different from that of adults. Kansas defense attorneys currently receive little to no training on both the youth justice system and youth development. This is doing a disservice to Kansas youth. No longer locking children up doesn't mean that they are receiving the support they need when interacting with the justice system. A specialized system with dedicated training to address the unique needs and challenges justice-involved youth face would further eliminate the harm done to a youth when they interact with the system. The result would improve outcomes for the youth

“When it comes to how the community corrections agencies have increased the availability and access to programming, and the alignment with evidence-based practices when it comes to programming. We have more training that exists, and not just with the Department of Corrections, [The Office of Judicial Administration] OJA does a huge amount of training with court services, and judges and attorneys. I think there's always more for us to do, but we're seeing those kinds of outcomes with the services.”

- Megan Milner, Deputy Secretary of Adult and Juvenile Community Based Services, Kansas Department of Corrections

and their families and ultimately improve public safety.

Training and a specialized system for youth defense could also address other systemic issues that SB 367 reforms have not fully addressed. Specifically, training could help reduce the ongoing racial disparities in the system. Further, a specialized system could eliminate the use of fines and fees assessed on justice-involved youth.⁵⁹

Despite SB 367 establishing data exchange and oversight as reform, the system does not make data available for oversight that could evaluate the effectiveness and shortfalls of the state. While this is not an issue unique to the youth justice system, current data systems in Kansas are extremely siloed, with limited ability

to share information between relevant entities. Without rich statewide data, it is impossible to implement standard practices, evaluate program effectiveness, ensure fairness for all youth in the state, and create a system grounded in data-driven policies.

Similar to the need for specialized defense for youth to better meet the unique needs of this population, it is imperative that the various entities (staff, judges, law enforcement, and other stakeholders) involved in the youth justice system receive sufficient training and tools to adequately support the youth. Specifically, stakeholders who interact and guide children through the complex system need a deep understanding of the juvenile justice code, assessment tools, services available, and sentencing guidelines. Since the passage of SB 367, there has been a significant increase in required training and opportunities for continuing education for staff at every level and step of the process.⁶⁰ However, continued racial disparities

“...continuing to offer prevention services and MST, increasing availability for that and education for prosecution, and not just attorneys but also defense bar and judges. I think it also goes down to changing culture. We can keep implementing all these things but if we don’t change the culture and start to have a better understanding of why this is so important, and understanding recidivism and harm reduction.”

- Jamie VanHouten, Director of Community Corrections in Leavenworth County

and different outcomes in different parts of the state indicate that sentencing disparities and other failures to adhere to the juvenile justice code established in SB 367 persist. For example, in fiscal year 2024, some judicial districts had 100% success rates for the youth completing community-based services, while others had success rates as low as 33%.⁶¹ Stakeholders in the system have further indicated that training and intentional culture changes must occur to fully realize restorative justice for Kansas youth.

“..the training piece; if you have a juvenile caseload in Kansas, you have to get epics, risk need responsivity training and fidelity, graduated responses, gender responsive, mental health first aid, then the YLS with risk assessments is mandatory. Off the top of my head I have six trainings that I know my staff do, or we contract with, that if you have a juvenile caseload you have to have these skills, and that understanding is, in my opinion, lightyears from where we were,” **said Jeff Butrick, Director of Community Based Services, Kansas Department of Corrections.** “The last couple of months we’ve trained over 175 staff with family engagement. We changed that view of our standards and policies now through that lens. We’re pushing forward with evidence-based approaches. There’s been so much positive change with EBP.”

All courts must use the evidence-based standards, as training and implementation of SB 367 has made clear. Without more training, accountability, and oversight, the unfairness, inconsistency, and ineffectiveness of the youth justice system will persist similarly to the years prior to SB 367. The effectiveness of SB 367 cannot be fully evaluated without effective and consistent implementation.

Regardless of where in the state a crime occurs and a sentence is issued, there must be fairness and consistency, which requires the state to exercise oversight and hold courts accountable. Stakeholders in the youth justice system have noted a need for more education for those who are working in the courts on youth cases as reports indicate courts are still handing down

sentences outside of the prescribed youth justice reforms.⁶² Although the lack of clear data makes it hard to determine how persistent disparities in sentencing are across the state, as noted earlier, racial disparities provide evidence that sentencing guidelines established in SB 367 are not being followed across the state. In Kansas, Black youth are detained at a rate 6 times that of their white peers, despite similar rates of conduct that typically lead to juvenile justice involvement.⁶³ Black youth are 7.3 times more likely to be sentenced to secure confinement, despite making up only 22% of youth arrests in the state.⁶⁴

A system is not working in alignment with the juvenile justice code, or equality and justice, if individuals with virtually the same background and record can have dissimilar experiences within the youth justice system. When consequences can have a lasting impact on these young people and their families, it is imperative that the state take the necessary steps, through previously mentioned use of tools for court systems and training, to ensure consistent functioning at every stage of interaction within the youth justice system.

PROTECTING PROMISED FUNDS

The state must maintain promised funding to continue developing and expanding programs, providing education and training, and ensuring appropriate levels of oversight and accountability. Implementation of SB 367 has led to significant cost savings through alternative evidence-based programming, and the state should honor this progress by taking the necessary steps to protect the funding promised to youth justice, rather than stripping it away. Since the reforms' initial years, officials have failed to fully invest in their promises of restorative and equitable justice with \$21 million pulled from the funding promised to support justice-involved youth and evidence-based programs. While those funds were eventually restored due to advocacy efforts, \$2 million

was lapsed from the Evidence-Based Programs Account in 2022. Then \$7.5 million in 2024, and another \$10 million in 2025.⁶⁵ Kansas officials must fulfill their commitment and promise to the state's children through action and investment. Only then will we be able to fully evaluate the true success of justice reforms for Kansas children.

The funding reallocations stunt the expansion of established programs into more areas of the state, hindering the necessary progress. The development and implementation of new evidence-based interventions that better target specific behaviors and issues have stalled, thus stalling Kansas's progress toward successful outcomes. It is unacceptable to reappropriate any amount of this targeted funding away from effective research-based efforts and it is absolutely unacceptable to divert these funds towards regressive, harmful, or failed practices.

CONCLUSION The past 10 years of building a system that reflects the expectations established by Senate Bill 367 to reform the juvenile justice system have had a powerful impact on outcomes for youth within the system. While the state continues to navigate growing pains with regard to addressing gaps in service and other persistent struggles, the shift from punitive interventions and detention towards rehabilitation and restoration has shown positive results that are undeniable. Youth are meeting expectations at a remarkable rate, with a steady probation completion rate of about 77%, and 91% of youth receiving evidence-based interventions are successful.⁶⁶

While these alternatives exemplify the positive impacts of the interventions themselves, the reduced use of unnecessary and harmful detention sentences also show the impacts of these practices and culture shifts in the space. The average daily population of youth in detention centers in Kansas has declined by 47% since fiscal year 2015. Most justice-involved youth intakes result in community-based interventions that keep the child in their homes

and communities. In fiscal year 2024, 79% of all youth who came in contact with the justice system received community-based services.⁶⁷

It is evident that Kansas's juvenile justice system has made significant tangible efforts to align its practices with the juvenile justice code's stated goals of "promoting public safety, holding juvenile offenders accountable for their behavior, and improving their ability to live more productively and responsibly in the community." Focusing on meeting the needs of youth entering the system, whether that looks like targeted education, substance use interventions, or addressing struggles within the home, has led to a system better equipped to lead Kansas youth towards safe and productive lives where they can truly thrive.

Looking back nearly 10 years since SB 367 was enacted, a stream of subsequent incremental legislative changes has weakened Kansas's commitment to a rehabilitative, progressive youth justice system. Indirect barriers to service access, carve-outs, and loopholes have eroded the intent and protections SB 367 put in place, moving the needle back toward a more punitive system. Kansans must come together to protect our state's youth by ensuring those who encounter the justice system have a system that improves their outcomes and protects their communities, rather than one that creates more harm and sets Kansas children up for failure.

CALL TO ACTION The improvement of the juvenile justice system since the passage of Senate Bill 367 shows that these efforts are extremely effective for youth, increasing hope for positive growth and a successful transition into adulthood. It is imperative to maintain this momentum to keep the system moving forward, identifying and implementing practices that offer greater opportunities for growth and success.

Kansans must urge those with influence over the state budget to continue allocating funds

promised by Senate Bill 367 to support the full spectrum of successful evidence-based programming within the youth justice system.

Kansans should urge legislators to use what we have learned to look ahead and tackle the barriers that remain within the youth justice system. We cannot allow space for regressive practices to reemerge, or the state risks losing the progress of the last 10 years. More importantly, the state can't risk returning to a time when the door to the juvenile justice system was ever revolving.

"One of the reasons why 367 passed with an overwhelming majority is because the process leading up to it was collaborative, and I think continued discussions around the work should remain collaborative. We are only stronger when we pull all the voices in, and we listen to the voices, and we give people an opportunity to be heard," said Megan Milner, Deputy Secretary of Adult and Juvenile Community-Based Services, Kansas Department of Corrections. "That collaboration was key to this legislation. It was bipartisan. It was multi branch, multisector, different service providers, a lot of people contributed. Evidence-based! Let's be an evidence-based state."



About Kansas Appleseed

Kansas Appleseed is a statewide organization that believes Kansans, working together, can build a state full of thriving, inclusive, and just communities. We conduct policy research and analysis and work with communities and partners to understand the root causes of problems and advocate for comprehensive solutions.

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