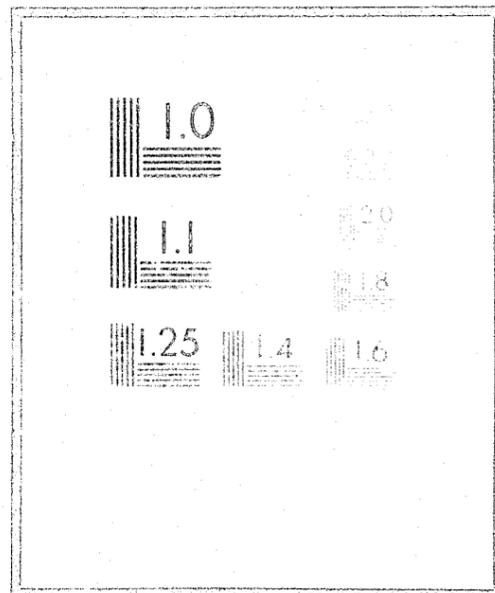


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A REVIEW OF THE OPERATIONS OF
THE SEDGWICK COUNTY JUVENILE COURT
IN WICHITA, KANSAS



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Advanced Studies in Justice
The American University Law School
Washington, D.C.

A REVIEW OF THE OPERATIONS OF
THE SEDGWICK COUNTY JUVENILE COURT
IN WICHITA, KANSAS

NCJRS

MAR 8 1977

ACQUISITIONS

July 1976

Consultants:

Lawrence G. Myers
R. O. Dan Schoenbacher

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
The American University Law Institute
4900 Massachusetts Avenue, N.W.
Washington, D. C. 20016
(202) 686-3803

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION CONTRACT NUMBER: J-LEAA-013-76

INSTITUTE FOR ADVANCED STUDIES IN JUSTICE

Nicholas N. Kittrie, Institute Director
Joseph A. Trotter, Jr., Associate Director
David J. Saari, Associate Director
B. J. Tennery, Associate Director

David E. Aaronson & C. Thomas Dienes, Co-principal Investigators
The Impact of Decriminalization on the Intake Process for Public Inebriates

H. H. A. Cooper, Staff Director
National Advisory Committee Task Force on Disorders and Terrorism

Jerry V. Wilson, Project Director
War on Crime in the District of Columbia, 1955-1975

Criminal Courts Technical Assistance Project

Joseph A. Trotter, Jr., Project Director
Caroline S. Cooper, Deputy Director
Bert H. Hoff, Technical Assistance Specialist
Johanna S. Kramer, Evaluation Specialist
Linda C. Sweeney, Research Analyst
Mark D. Cherry, Administrative Assistant

Project Advisory Board

Nicholas N. Kittrie, Institute for Advanced Studies in Justice
David J. Saari, Center for the Administration of Justice
College of Public Affairs

THE AMERICAN UNIVERSITY

Robert E. Cleary, Provost and Acting President
Gordon A. Christenson, Dean, Law School

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I. INTRODUCTION

The Sedgwick County Juvenile Court located in Wichita, Kansas, has jurisdiction over delinquency, miscreancy, wayward status, truancy and juvenile traffic offenses. In 1975 the Court considered more than 3,800 matters. Not all cases referred to the Court receive formal consideration; a small number of cases are diverted by the Intake Department. Effective July 1, 1976, a new local determination requires that juvenile offenses be prioritized by type and that those offenders involved in low priority offenses, such as status offenses, be either not referred to the juvenile detention facility or be released if space is needed for a youth involved in a higher priority offense. As a result, the Court's Intake Department will be required to find alternatives for youth who traditionally would be held in the detention facility.

To explore the operational ramifications of the new law determination and to prepare for its implementation, the Director of Court Services, Mr. Lewis Hearne, requested LEAA's Criminal Courts Technical Assistance Project at The American University to review the Court's Intake Department operations and provide recommendations regarding appropriate procedures and programs to be instituted to implement the new determination legislation.*

Mr. Lawrence Myers, Director of the Juvenile Bureau of the District Court in Tulsa, Oklahoma, and Mr. R. O. D. Schoenbacher, of the Juvenile Probation Department in Houston, Texas, were assigned by the project

* It should be noted that the Criminal Courts Technical Assistance Project will provide additional technical assistance to the Sedgwick County Juvenile Court for a review of the calendaring, docketing, and record system used by the Court and make recommendations for improvement of that system.

to provide technical assistance because of their familiarity with similar policies and their implications in their home states.

The consultants were on site June 1-3, 1976. During that time, meetings were held with members of the Court's administrative staff, including the Administrative District Court Judge and the District Court Administrator, and members of the Intake and Probation Department staffs. In addition, the consultants visited two Probation Storefront offices and the youth holding facility.

In the course of prior correspondence with Mr. Hearne and the actual site visit, it became apparent that the primary focus of assistance should be upon the overall operation of the Court and the interrelationships of its component departments, rather than simply upon the Intake Department. In this way, both the general concerns of the court staff regarding administrative aspects of the Court's operations and the necessary framework and planning for implementation of the new law could be addressed.

After completion of the consultants site visit several members of the Sedgwick County Juvenile Court made a visit to Mr. Myers' Court in Tulsa, Oklahoma to observe the operations of that Court, particularly its Intake Department. In addition, according to Mr. Hearne, Director of the Sedgwick County Juvenile Court, action already is being taken to implement several of the recommendations made by the consultants while they were on site and contained in this report.

II. ANALYSIS OF THE EXISTING SITUATION

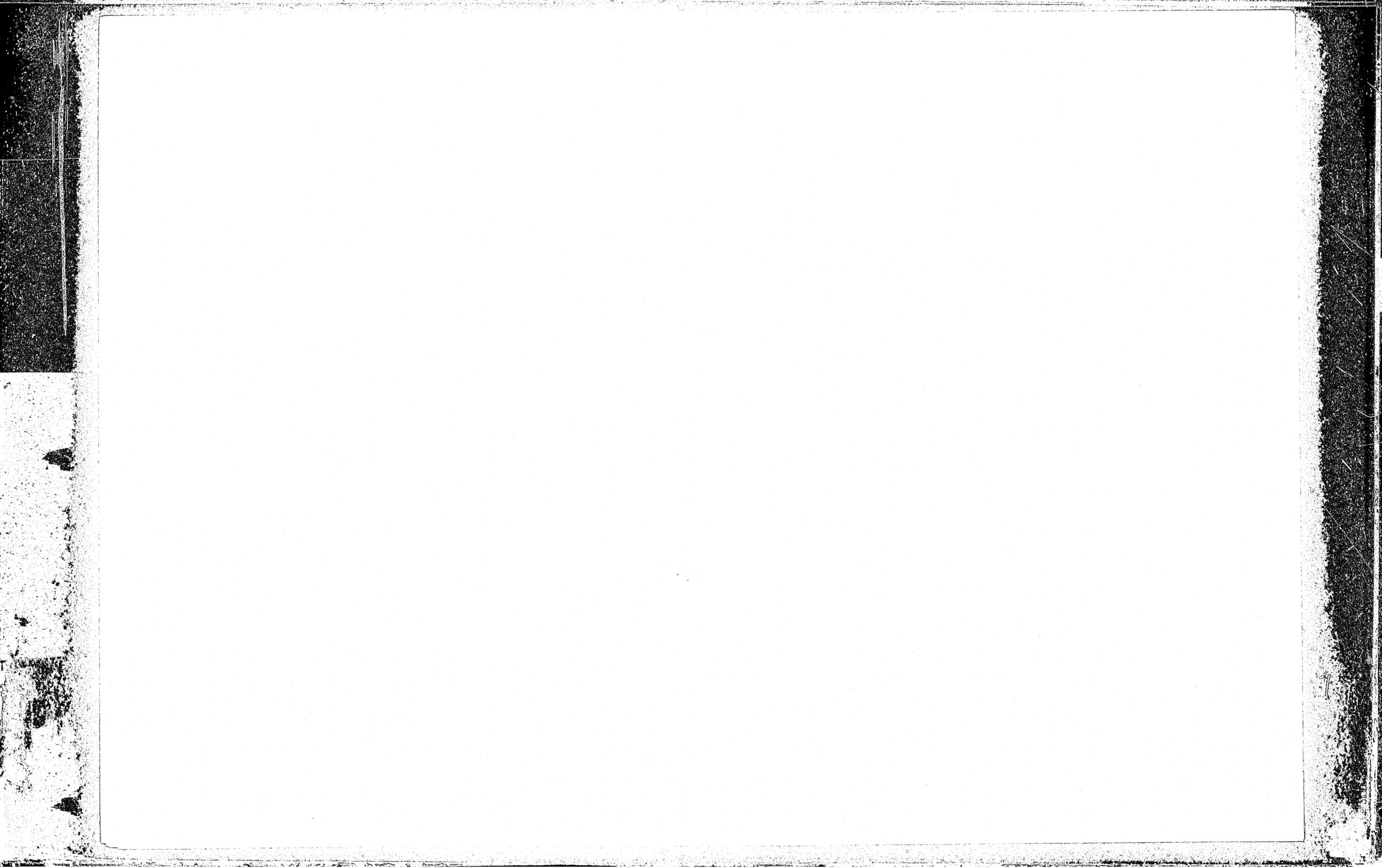
A. Statement of the Problem

The Sedgwick County Juvenile Court hears in excess of 1,800 delinquent and miscreant cases each year. The probation staff of the Court consists of three supervising personnel, twelve field officers, two field supervisors, four intake officers and one intake supervisor. The twelve field probation officers are officed in two storefronts located in the community. Although these storefronts offer more positive experiences for probationers, problems involving communications with the Court, and record keeping are great. The following list outlines some of the probation staff's concerns:

1. What type of record keeping should be used by the storefronts?
2. What program and policy alternatives are available to probation officers in dealing with length of the probation period, probation violators, and uncooperative parents?
3. What method could be used to increase coordination and cooperation among probation and detention staff?
5. What are the national trends in juvenile probation as they relate to court unification?

The following list outlines some of the intake staffs' concerns:

1. How much time should intake workers spend on home visits?
2. How much pre-investigative work should be done in dependent and neglect cases?
3. What alternatives are available for court diversion and family counseling and are these areas the intake staff's responsibility?



A tour was conducted of the north probation storefront. For the most part, staff was not present as they were involved in field work. The storefront offices are geographically separated from the courthouse and youth holding center. The geographical separation increases communication problems and places additional responsibility on all Sedgwick County Juvenile Court employees to be aware of this and to create opportunities for more effective communication.

A tour of the youth holding center was conducted. It was learned that the facility has the capacity for 33 children, and recently the population has run as high as 50 to 55. Needless to say, this has caused considerable disruption in the program and has led to disruptive behavior on the part of the youth being detained. This large population was of concern to the administrative staff and led to the position paper reflected in the court order, prioritizing the type of child that should be detained in the youth holding facility.

A meeting was held with Judge Howard Kline, Administrative District Court Judge, and Don Farr, District Court Administrator. Discussions were held regarding the proposed change in which the Juvenile Court will become a division of the District Court. This session was a sharing session in which Sedgwick County Juvenile Court personnel discussed issues regarding the proposed change with Judge Kline. Judge Kline felt that with court unification would come the combining of adult and juvenile probation offices. He expressed some concerns as to the effectiveness of adult probation and the effectiveness of juvenile probation. His concerns had previously, and would later, be expressed by employees of the Sedgwick County Juvenile Court (that is, probation should be effective, should be considered very seriously and should serve to protect the community and

provide rehabilitation to the offender). Judge Kline freely admitted that he was not well informed of the procedures and process in the Juvenile Court. He expressed a need to be better informed and a willingness to become involved in that process.

Following the meeting with Judge Kline and Mr. Farr, Mr. Schoenbacher met with Mr. Lewis Hearne, and Mr. Myers met with the Intake Department. The meeting with the intake staff was attended by an intake supervisor and four workers who handle status offenders, miscreants and delinquents. Dependent and neglect staff were not involved. At this meeting it was learned that intake staff felt that some change had occurred since completion of the evaluation done by the Institute for Court Management. One of the major changes was that the intake supervisor had been given permission by the administration to function as a supervisor.

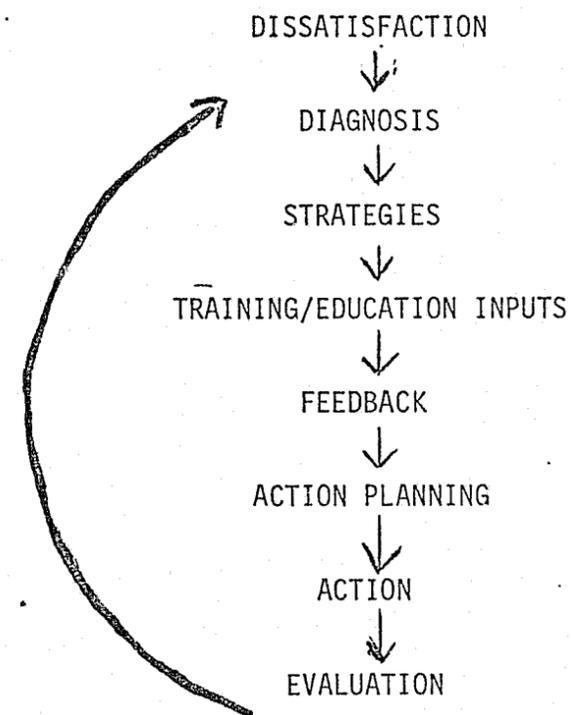
Discussions were held regarding duplication of services between the Welfare Department and the Intake Department in dependency-neglect filings and investigations, diversion, community resources, filings, and processing of cases. During this meeting the intake staff also expressed the opinion that: "During the past several years the organization had been extremely progressive, but it has reached a plateau, and the people within the organization feel that nothing is happening." This same feeling had been expressed earlier by Mr. Hearne, yet some of the staff seemed surprised when they heard that these exact words had been expressed by the Director (Mr. Hearne) as well.

Wednesday morning was spent with administration staff and Judge Corrigan. The discussion centered around problems within the organization: administrative changes, detention criteria, unification, and in general assessing where the organization was and where the staff wanted the organization to be.

That afternoon Mr. Schoenbacher met with Judge Corrigan, and Mr. Myers met with probation staff at the south storefront. The impression of the probation staff is that they are very capable people who are on the firing line and are in a position to have an impact on the community. The storefronts are located and designed to facilitate this. The impression of the probation staff is that they feel alienated from and uninvolved in the organization except in carrying out the probation and treatment plans. Changes in detention policy have caused the staff to feel frustrated in their efforts and concerns were expressed about not being able to use detention as a means of obtaining compliance to the probation rules. As with Judge Kline and Judge Corrigan, the probation staff feels that probation must be effective, should be considered very seriously and should serve to protect the community and provide rehabilitation to the offender. The probation staff was not questioning administration's authority to make policy changes: they were saying that they were not consulted as to the problems these changes might create for them..

The technical assistance team endorses this change in detention priority. The consultants feel too many children were being detained in Sedgwick County; high detention population leads to serious problems, including the personal safety of children and staff. The consultants feel that the changes have affected probation staff far more than any other part of the organization. The consultants raised two questions for the organization: 1) What vehicles can be developed to insure that everyone has input into discussions, both prior to implementation and following implementation, and as to the effect the changes have had, and 2) If detention has been a viable probation technique for compliance, what alternative has been provided to the Probation Department to replace this?

Thursday morning a meeting was held with the administrative staff and any other staff that could attend. The meeting started with a general discussion of organizational theory. The group was informed that the technical assistance had focused on an organizational development process that could be outlined as follows:



Within an organization there are essentially four different groups of people that can be plotted around two of the important ingredients in an effective organization: high awareness of goals and high motivation. The four groups of people were designed in the following grid:

Goal is ↑ High Low ↓	Those Who Do Know	Those Who Do Know
	Those Who Don't Care	Those Who Do Care
	Those Who Don't Know	Those Who Don't Know
	Those Who Don't Care	Those Who Do Care
	← Motivation →	High

In the Sedgwick County Juvenile Court the technical assistance team did not observe anyone who "didn't know what the goals were" and who "really didn't care." The team did not find anyone who "did know what the goals were" and "who didn't care." However, there did appear to be a large number of people in the organization who "did not know clearly what the goals were" (what the purpose of the organization and/or their particular department was) but "who did care"; the task facing the organization is to get as many people in the square who "know what the goals are" and "who do care."

The group was also asked what they had learned during the three days of technical assistance. The group reflected that there was a great deal of consensus regarding the fact that the Court had "plateaued" and that people in the organization felt that some progressive change needed to be implemented. Mr. Lewis Hearne said that he felt strongly the need for a change in his role within the organization and felt that more emphasis needed to be placed on training throughout the organization, a role he would like to see himself filling. Organizational restructuring and feeling in control of their own destiny was also discussed by the staff.

Prior to the sharing of findings and recommendations of the technical assistance team, two other techniques were shared with the administrative staff. One is a six-column sensing technique in which a piece of paper is divided into six columns, and each member of the organization is asked to fill in each of the six columns. The top of the first column is entitled, "Highlights of the Past Five Years." The top of the second column is entitled, "Things We Do Well." The top of the third column is entitled, "Things We Do Poorly." The top of the fourth column is entitled, "Things I Would Like to See Us Start Doing." At

the top of the fifth column is, "Things I Would Like to See Us Stop Doing," and, the top of the sixth column reads, "Highlights of the Next Five Years." In this very brief and quick sensing technique, one can very quickly assess where the organization has been, where it is at this time and offer some direction to the future. It was suggested that the group might want to do this independently and then get together as an administrative team to see where there would be similarities and differences. Based on their findings, the staff could begin to map out strategies for change and implementation of change. This same technique could be used by each department and/or the entire organization.

A problem identification model was also suggested by the consultants. Organizations spend many people hours on problems that cannot be solved or which are not problems at all. A technique was shared in which each individual is asked to list ten problems that he sees facing his department or the organization. After these are listed, then the person is asked to rank them one through ten in terms of priority, with one being the highest priority and ten being the lowest priority. The person is then asked to rank each of the ten problems in terms of feasibility to solve that problem: one being most feasible and ten being least feasible. Feasibility is defined as how feasible it is with the amount of monies, people and resources available to the organization to solve that problem. After this is done, people are asked to personally rank as to how much influence they have in solving that problem. One again is the most influence, with ten being the least amount of influence. When this is completed, the person then has three different rankings (priority, feasibility and influence) which can be added together to give a total for each of the ten problems. The three lowest numbers

are the identified problems. The three highest numbers are non-problems. The four items in the middle are called back burner problems. Many times back burner problems are solved as one works on solving the identified problems. Once the problems have been identified, then an action agenda can be worked out to solve that problem.

III. RECOMMENDATIONS

A. Diversion

1. The Sedgwick County Juvenile Court should review the referral process and place emphasis upon using existing community resources as an alternative to a referral to the Court.

This review needs to be undertaken by the entire agency but primary responsibility will fall upon administration and the Intake Department. Existing community resources need to be identified and utilized by schools, parents, and police, instead of referring youth to the Juvenile Court. While these alternatives may be best utilized for status offenders, we encourage that the Sedgwick County Juvenile Court not limit its thinking to status offenders only. Other types of offenders may also be referred and still accomplish the goals of the Juvenile Court: to provide protection for the community and to provide rehabilitative services for the child. In the discussion with the intake and probation staff many resources were identified in the Sedgwick County area. Lack of trust and confidence was also expressed with regard to some of these services. The Sedgwick County Juvenile Court needs to be focused on developing these resources as viable alternatives to the Juvenile Court.

2. The intake staff should document the referral process in order to identify gaps in community resources.

The intake staff needs to look at community resources and identify what services are provided. If the services are below quality or if existing community resources do not provide services in a particular area, then the intake staff needs to become the voice of conscience so that the community can modify and/or develop outside of the Juvenile Justice System those resources that are needed for children and their families. Thus, one of the major responsibilities of the Intake

Department would be to assist in the development of community resources to provide services to children.

3. Utilize other public and private agencies as service resources.

Many children are referred to Sedgwick County Juvenile Court because other services are not available at the time of crisis. Some children end up in detention because crisis intervention is necessary and the Intake Department or detention are the only services available at that time. The Intake Department can provide a valuable service by assisting in developing foster homes, crisis intervention services available to the police, and alternative work hours for service agencies in the Sedgwick County area.

B. The Diversion Process

1. The Intake Department should develop daily worksheets that reflect the action taken on the cases handled that day. This should include diverting from the justice system with a referral to a specific agency, those cases held at intake, and those cases filed upon.

At the present time, there appears to be little documentation as to the number of cases the Intake Department processes and the action taken. The Intake Department needs to tabulate the work load: number of referrals and the action taken. The Intake Department is in a position to control the size of the probation caseload. Each intake counselor, at the end of the month, should be able to show how many cases he saw, what percent was diverted out, what percent was held at intake for further intake services, and how many were filed for court action. Once this data is tabulated, then the Intake Department can see the number of youth that are referred out and the number that return at a subsequent time. The Department would also be in a position to evaluate its progress each year and to set goals for the coming year,

2. The Intake Department should develop joint intake services with other agencies such as mental health and state welfare.

In developing joint intake services with other agencies, better coordination and referral sources are developed. This type of approach has worked successfully in other courts and may work successfully in Sedgwick County.

3. Definite areas of responsibility to assure that the child and family receive services need to be established.

Along with developing joint intake services with other agencies, the various agencies should establish definite areas of responsibility and accountability so that each child that is referred does receive the services that are needed. The Intake Department of the Sedgwick County Juvenile Court is in a position to assist other agencies in the examination of their areas of responsibility. The approach that should be taken is not one where the Sedgwick County Juvenile Court is telling other people what they should do, but one of cooperation where identifying problems and working together insures that the youth in Sedgwick County receive the services they need.

4. The Intake Department should develop services with agencies on a contract basis for direct family counseling and education.

The Intake Department is in a position to contract with other agencies to provide family counseling and education. A verbal and written agreement can be made with other agencies stating they will provide family counseling for a specific time period. The case can be held at the intake level pending the receipt of those services with an evaluation made at a later date as to whether or not the case needs to be filed or can be closed at that time. This contract could be simply that a referral will be

made and that the family will assume all financial responsibilities associated with the referral. If monies can be made available, the Sedgwick County Juvenile Court could also pay for the services.

5. The Intake Department of the Sedgwick County Juvenile Court needs to develop volunteer aides to be trained for intake counseling and intake processing for those cases that do not require court action.

Cases that need not penetrate further into the Juvenile Justice System can be handled by case aides. These can be developed from the volunteer program and in many jurisdictions have been undertaken as a Junior League project. This serves two purposes: (1) It provides needed services to the Juvenile Court, and (2) The Junior League tends to be an influential agency in the community which can be used to influence other community agencies to develop better services.

6. The Intake Department needs to evaluate with the administration, the services provided in the dependency-neglect area.

Within the Sedgwick County Juvenile Court it appears that there is duplication of services in the welfare area of dependency and neglect. The technical assistance team questions the Intake Department providing dependency-neglect investigations, written reports, and home visits. It appears that this is a service that could best be provided by the Welfare Department. It would be the recommendation that one intake worker be assigned to file petitions and to handle the legal processing of the dependency-neglect cases and to insure that the Welfare Department has provided the services necessary for either court action or as an alternative thereto. The remaining intake workers assigned to dependency-neglect can be incorporated into the Intake Department to process other offenses, to reduce the heavy workload on the Intake Department, and/or to develop

other services within the Intake Department and/or the Juvenile Court.

7. The intake manual must be updated.

The Intake Department does have a manual, but it is outdated and needs to be updated.

C. Staff Responsibilities and Needs

1. The administrative team (Director, Chief Juvenile Probation Officer, Superintendent of Detention, and all supervisors) need to determine roles and areas of responsibility for the staff.

Currently there appears to be some confusion as to the various roles and areas of responsibilities and how these are communicated within the agency. The administrative team is in a position to develop, with as much input from each person within the agency as possible, clearly defined areas of responsibilities. As mentioned above, this may mean re-writing manuals, updating job descriptions, and allowing for people to express their feelings regarding what they ought to be doing.

2. Ongoing in-service training needs to be developed. This would include defining the training mission, including developing staff management skills, improving communication, developing an awareness of planning methods, and organizational development.

There appears to be a strong need for coordinated in-service training. It is recommended that a grant be written to the Kansas State Criminal Justice Planning Agency for an in-service training program. Training needs to be provided by people within the Agency as well as by outside consultants and resource people. These training programs could include staff from other agencies, thereby increasing the impact on the community.

3. On-going planning to determine the goals and objectives of the Agency needs to be developed.

The agency needs to decide where it wishes to go and how to reach

its objective. This will entail documentation, looking at ways of improving services, goal setting, developing strategies for reaching those goals, and evaluating what has been done at each step in the process.

4. Consideration should be given to a joint task force involving a cross section of the Juvenile Court staff to improve inter-departmental relationships.

Various problems between departments were discussed on several occasions. Intake is concerned about its relationship with Probation and Detention, and Probation is concerned about its relationship with Intake and Detention, and vice-versa. Consideration should be given to a task force consisting of detention personnel, probation personnel, and intake personnel to discuss what the various departments could do about these relationships and communication (or lack thereof). A task force could identify existing problems between the various departments and develop strategies for solving them.

D. The Court Process

1. The Sedgwick County Juvenile Court should develop definite guidelines for all Juvenile Court matters, processing, and documentation of scope of all services.

Definite guidelines should be developed for all matters referred to the Court. Guidelines should take into consideration giving direction to the community and staff as to the scope of services offered by the Sedgwick County Juvenile Court. In developing such guidelines, task forces involving all levels of the Court may be used in order to facilitate input and communication with all segments of the Court.

2. Consideration should be given to a position being created solely for the purpose of presenting cases to the Court. Apparently the probation staff is called upon to provide the service that may best be coordinated with one person.

As with many other courts, probation staff time is wasted in waiting for court appearances. Consideration must be given to better time management. The Institute for Court Management in their evaluation of the Sedgwick County Juvenile Court* recommended that "A docketing system should be structured so that no probation officers are scheduled to be present at Court hearings more than two half days each week. Further, wherever practicable, the same probation officer should be scheduled 'back to back' with respective cases that day." The consultants suggest that all Court appearances be centralized with one person who will present the case. If the probation officer is needed, he can be so advised in advance or called later.

3. The same attorney or guardian ad litem should represent the child throughout the process.

As per The Institute for Court Management's recommendation, the technical assistance team endorses the concept that the child should be represented by the same attorney throughout the entire juvenile court process.

E. Other Considerations

1. Inter-agency relations.

As mentioned above, the technical assistance team recommends a task force be established to explore inter-agency relationships. The Court also needs to consider the entire organization communication system. Concern was expressed about how decisions are made and communicated within the organization. The administration of the Juvenile Court wants its staff to have more input into the decision making process. It is recommended that the Court continue to strive toward that goal.

* In March 1976, Mr. H. Ted Rubin of The Institute for Court Management, conducted an evaluation of the Sedgwick County Juvenile Court and of the related social service programs it administers.

2. It is recommended that cases be set on the docket for judicial review every 3 to 6 months.

The Probation Department identified two concerns with regard to the length of probation. One was specifically to discuss the length of the probation period, and two, the uncooperative parents. It is felt that status offenders and in cases where the child has been on probation and is doing quite well but the parents are still resistant, that these matters be handled through judicial review. The child appears back before the Judge and/or Judge Pro Tem and the Court takes cognizance of the progress while on probation, or the lack thereof. It would appear that this would also allow dialogue between the probation staff and the judiciary as to the problems that the child is having on probation and the problems that not having detention as an alternative is causing. Other alternatives can be explored at that time with the parents, the child, probation officer and the judicial officer.

F. Institute for Court Management Recommendations

The technical assistance team would like to endorse the recommendations in Mr. Ted Rubin's evaluation and call attention specifically to the following:

1. The same guardian ad litem should represent the child at the plea/adjudicatory hearing as well as the disposition hearing.
2. The calendar should be re-arranged to minimize loss-time by probation officers.
3. A court rule should prohibit informative discussion concerning juvenile cases between judge and pro tems and intake and probation officers, SRS staff, or other agency representatives in the absence of counsel for the state and for the child.

4. The Chief Probation Officer should relinquish all direct intake functions. The Intake Supervisor should be responsible for intake screening.
5. Fewer status offense referrals should receive official consideration.
6. Intake officer coverage at the youth holding center should cover busy evening and week-end hours.
7. A court planning priority should be the implementation of the Court's objectives to reduce status offender admission to detention to an absolute minimum.
8. Pro tem judges should not serve as guardian ad litem or as private retained counsel in Juvenile Court.
9. Study should be given of the Court's responsibilities and functions concerning dependency and neglect cases.
10. Storefront probation officers should work one or two nights a week, receiving compensatory time off.
11. Consideration should be given to expanding the focus of the volunteer program to develop volunteer resources to assist children and families.

IV. SUMMARY

The Sedgwick County Juvenile Court contains all of the necessary elements to continue to be a progressive agency providing quality court services to youth and their families in Sedgwick County.

The apparent need is for:

1. Total staff involvement in planning and management to insure proper response to program needs and joint efforts in developing and implementing all programs.
2. Role identification and articulation of areas of responsibility and interrelationships for the Judge and each staff position.
3. Task identification and case processing documented for each division of responsibility.
4. A higher degree of visibility in the community via communications and the planned use of all media.
5. Action!!!

The concern expressed relative to unification, although real, needs to be tempered with thought, effort, and action devoted to developing a recognized system of Juvenile Court services which will adapt to any structure and provide additional court services in other areas.

APPENDIX:

SEDGWICK COUNTY JUVENILE COURT
YOUTH HOLDING CENTER

This Court having made inquiry and upon its own investigation makes the following findings of fact:

1. The Youth Holding Center of Sedgwick County, Kansas (hereinafter referred to as the Youth Holding Center) is an institution owned and principally funded as to its operation by the citizens of Sedgwick County acting through their duly elected Board of Commissioners.

2. The Youth Holding Center has 22 rooms now available for males and 11 rooms available for females.

3. The Youth Holding Center has available to its population of detained juveniles programs of recreation, behavior modification, counselling, psychological testing and aptitude testing in addition to a school operated by U.S.D. 259 to the benefit of detained juveniles.

4. That the population for both males and females is regularly in excess of the number for which the institution was constructed.

5. That certain of the children detained in the Youth Holding Center are emotionally disturbed, unsocialized and in many instances, immature for their age who lack impulse control.

6. That when the population of the Youth Holding Center is in excess of the number for which the institution was constructed and more than one resident is assigned to a room, the environment becomes unsafe and the programs of discipline and treatment provided by the citizens of Sedgwick County are jeopardized and rendered ineffective.

7. That any parent or child has the right to expect that, when detained in the Youth Holding Center, a child will be kept in a wholesome and safe environment.

8. That 33 is the maximum number of detained male and female juveniles that can be treated in a safe environment in the Youth Holding Center.

This Court is mindful of the intent and the purpose of juvenile law in Kansas:

" . . . that each child coming within [the] provisions [of this act] shall receive such care, custody, guidance, control and discipline, preferably in his own home, as will best serve the child's welfare and the best interests of the state. . . [and] all proceedings, orders, judgments and decrees shall be

deemed to have been taken and done in the exercise of the parental power of the state" (KSA 38-801).

This Court is of the opinion that when a child is removed from the control of his parents "in the exercise of the parental power of the state," the Court shall secure for him care as nearly as possible equivalent to that which his parents should have given him.

This Court, with jurisdiction of children to age eighteen, is further of the opinion that the Youth Holding Center and its functions are subject to control by this Court for effecting the purposes of the Kansas Juvenile Code and the safety of those detained.

WHEREFORE IT IS THE JUDGMENT AND ORDER OF THIS COURT, that effective on the first day of July, 1976, there shall be established priorities of detention in the Youth Holding Center with application to all children there detained in order of priority as numbered hereinafter:

1. First Priority: those charged or adjudicated as to an offense in the nature of a capital felony (murder, rape, armed robbery, arson and aggravated assault) and those who are admitted to detention charged with a delinquency who are determined by the Intake Department and/or the Court to be a danger to self or society.

2. Second Priority: those awaiting admission into a state institution (to include by definition a child awaiting referral hearing or who has been found not amenable to treatment or rehabilitation after formal hearing).

3. Third Priority: those who are brought to detention whose parent, guardian or custodian is not available or is unable to function as such.

4. Fourth Priority: those ordered to be held by Order of the Court after adjudicatory hearing.

5. Fifth Priority: those being held pending placement by the Kansas State Department of Social Rehabilitation Services (SRS).

6. Sixth Priority: those held because of minor's prior record or the likelihood that minor will not return for Court hearing.

7. Seventh Priority: those ordered held from detention hearing pending Court hearing or Probation Officer's recommendation.

8. Eighth Priority: those being held pending further investigation by a law enforcement agency (to exclude those who are under investigation as provided in category one (1), with the understanding that the law enforcement agency will be duly notified by the Intake Department).

9. Ninth Priority: any other minor brought to detention pending charges.

Upon the maximum available rooms for children (to be certified by the Director of the Youth Holding Center) being filled for males or females, as is provided herein, the Director of the Youth Holding Center is ORDERED to immediately certify to the Court for release all children of such sex in detention having the lowest numbered priority as set forth herein to their custodian or to an Intake Officer of this Court for transportation at County expense to their custodian, or in unusual circumstances to bring the child before the Court for further consideration. Prior to any release of children under category 1, 2, 3, or 4, the Director of the Youth Holding Center shall present such children before the Court to consider further placement.

CONSIDERED, ORDERED, ADJUDGED AND DECREED this 1st day of July, 1976.

