

IN THE SUPREME COURT OF THE STATE OF KANSAS

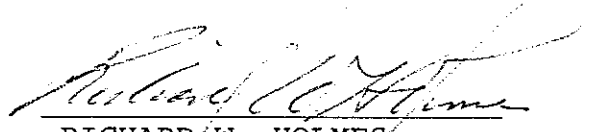
Administrative Order No. 91

Re: Citizen Review Board Standards

In implementation of K.S.A. 1992 Supp. 38-1812 and 3813, the attached standards for Citizen Review Boards (CRBs) are hereby adopted effective this date.

Existing and new CRBs shall be subject to certification by the Judicial Administrator under the standards adopted by this order. For CRBs operational prior to the issuance of these standards or statutory requirements, certification will be based on practices and procedures subsequent to the issuance of this order.

BY ORDER OF THE COURT this 12th day of May, 1994.


RICHARD W. HOLMES
Chief Justice

Attachment

STANDARDS
FOR
KANSAS
CITIZEN REVIEW BOARD (CRB)

Office of Judicial Administration
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STANDARDS FOR KANSAS CITIZEN REVIEW BOARDS

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Appendix II. Decertified CRB Volunteers form

STANDARDS FOR KANSAS CRB REVIEW BOARD (CRB)

I. CERTIFICATION OF CRB VOLUNTEERS

- A. Each program shall certify its volunteers. Certification shall include the following:
 - 1. Screening procedures appropriate to each program,
 - 2. oath of confidentiality for each board member, and
 - 3. training requirements.
- B. At a minimum, directors shall conduct the following screening procedures and give appropriate consideration to the information obtained. The information requested is not intended to be used to limit volunteer participation, but to provide historical background information.
 - 1. Written application completed by volunteer applicant containing, at a minimum, information pertaining to:
 - a. Educational background,
 - b. employment history, and
 - c. personal experience with child abuse and neglect
 - 2. Three references, preferably in writing, from persons unrelated to the applicant
 - 3. Personal interview
 - 4. Child abuse registry and Kansas Bureau of Investigation (KBI) national criminal record checks
- C. The prospective volunteer shall be informed, in writing, of the screening procedures which will be used, and must sign a release of information for the purpose of child abuse registry checks and the KBI national criminal record check. Applicants who refuse to sign the release shall not be certified as CRB volunteers.
- D. The administrative judge or designee shall assign a local court employee to conduct the Kansas Bureau of Investigation (KBI) screening. If that is not possible, a member of the Office of Judicial Administration (OJA) staff shall conduct the KBI screening.

1. The local court employee or OJA staff shall furnish written notification to the program as to whether an applicant has received clearance after being screened. Only applicants who pass the screening procedures (or are granted an exception by the local judge, see 5 below) may be certified as CRB volunteers.
2. Directors shall make appropriate written inquiries to the applicant regarding any prior contact with juvenile justice or criminal justice systems in this and other states and shall furnish the information obtained to the local court employee or OJA staff for consideration in screening applicants.
3. Directors shall provide information to the local court employee or OJA staff as follows:
 - a. Full name of volunteer applicant and any known aliases,
 - b. social security number,
 - c. birthdate,
 - d. height, weight, color of hair, color of eyes,
 - e. street address, city, and state of residence for the five years prior to application, and
 - f. race.
4. The director shall ensure that the volunteer is screened through the SRS Child Abuse Registry and will make inquiries of the registries of other states where the applicant has lived in the last five years. Certification will not be denied if the registry of another state refuses to give information in a timely manner. If disqualifying documentation is obtained after certification is granted, decertification of the volunteer should be undertaken. If an exception is to be made, the administrative judge or designated judge must document in writing the justification for granting an exception.
5. Anyone who is found to have any criminal charges pending shall not be certified until the case has been concluded and the administrative judge or designee has reviewed the outcome and made a determination as to the appropriateness of service on the board. The program will be notified in writing that a decision on clearance is suspended pending the outcome of the applicant's court case.
6. The local court employee or OJA staff will ensure the timely processing of the records check.

7. The program may continue to screen an applicant during the training process until certification is granted.
- E. Written records on each prospective volunteer covering all screening procedures employed by the program will be maintained in the program office. The notification of clearance/nonclearance by the local court employee or OJA staff will be kept on file in the program office. Directors will send a list of the newly certified volunteers to OJA within thirty days after training and screening procedures are completed. (See Appendix I.) As volunteers resign or are terminated, Directors will notify OJA. (See Appendix II.)

II. TRAINING CRB VOLUNTEERS

- A. All volunteers must participate in a minimum of six hours of training prior to being assigned to a case. Credit (towards the six-hour minimum) may not be given for training obtained by a volunteer prior to application to the CRB.
- B. The CRB program training curriculum may include segments provided by other agencies or other CRB programs, where volunteers travel to other sites or agencies to participate with other trainees or professionals. However, at least two hours of training must be specifically designed for presentation to the local CRB volunteers.
- C. At a minimum, preservice training must cover the following topics:
 1. Roles & responsibilities of CRB volunteers (purpose and guidelines),
 2. confidentiality,
 3. cultural awareness (understanding cultural differences that exist within the community),
 4. child abuse and neglect (family and child dynamics and bonding/attachment issues),
 5. permanency planning (child welfare system, community resources, and reasonable efforts),
 6. communication and information gathering (report writing and interviewing techniques),

7. juvenile court process (Kansas laws and operation of local court system), and
 8. alcohol and drug evaluations/family dynamics related to substance abuse.
- D. Preservice training may cover the following topics, if appropriate to the cases to be assigned:
1. Dynamics of divorce, especially as they affect children,
 2. Kansas laws pertaining to domestic relations,
 3. dynamics of rebellious or illegal behavior by juveniles, and
 4. Kansas laws pertaining to juvenile offenders.
- E. With local court approval, the training shall include an opportunity for volunteers to observe the court or a CRB while it is in session.
- F. Trainees must be given a training manual which includes, as a minimum, the following:
1. Pertinent Kansas laws and the local CRB policies,
 2. a volunteer job description which clearly states the minimum duties the volunteer is expected to perform after being trained, and
 3. written material that addresses each of the training topics.
- G. The program shall provide or assist in the provision of in-service training annually. CRB volunteers must complete four hours of in-service training annually.

III. PROGRAM POLICIES GOVERNING ADMINISTRATION

- A. A program shall keep complete case assignment records and up-to-date calendars. CRB case files shall consist of copies of court files, SRS records, pertinent reports, and CRB volunteer notes. The CRB case files shall remain in the control of the director and are confidential records. The CRB case file shall be destroyed two years after the case is closed.

- B. All program policies and practices must comply with provisions of K.S.A. 1992 Supp. 38-1812 and 38-1813, and amendments thereto.
- C. An annual written report will be compiled by February 15th of each year by the program to be distributed to the administrative judge, OJA, and the Corporation for Change (CFC). The content of the annual written report will be jointly developed by OJA and CFC staff.

IV. PROGRAM POLICIES GOVERNING CRB VOLUNTEERS

- A. The director, subject to approval by the administrative judge or designee, shall be responsible for all decisions regarding assignment or removal of specific volunteers from specific cases.
- B. To avoid a conflict of interest, no volunteer shall be certified if the person is currently employed by a district court or the Department of Social and Rehabilitation Services (SRS). No volunteer may review a specific case if the person has a professional or personal relationship to the family. Board members shall avoid the appearance of impropriety in hearing cases and performing their function as board members.
- C. The program shall develop rules governing the conduct of the CRB volunteers. These rules will be in writing, and shall clearly and specifically delineate the volunteers' powers, duties, and standards of behaviors. The administrative judge must approve these rules before they are effective. Copies of the rules shall be included in the training manual. The rules shall cover:
 - 1. Confidentiality,
 - 2. inactive volunteer status,
 - 3. reassignment of volunteers to new boards,
 - 4. absences of board members,
 - 5. conflict of interest, and
 - 6. limits of the powers of the CRBs and CRB volunteers.
- D. The program shall have in effect written management, personnel procedures and policies.

V. CERTIFICATION OF THE PROGRAM

- A. New programs may be certified throughout the year with recertification by July 1 of the following year.
- B. The Office of Judicial Administration (OJA) shall mail certification forms to each program by January 1st of each year in order to begin the annual certification process. The completed forms must be returned to OJA by January 31st of each year.
 - 1. Any programs with active cases as of January 1 will be expected to be certified by July 1. Annual certification will be in effect from July 1 through June 30th of the following year.
 - 2. Before assigning cases to a review board, each program must apply to OJA and be certified.
 - 3. For programs whose fiscal year is not July to June, materials and statistics provided to OJA shall cover the period from July to June.
- C. As part of the certification process, OJA staff must schedule a site visit to each program.
 - 1. The site visit must take place within sixty days after the receipt of the completed certification forms and materials.
 - 2. OJA staff will inform the CRB program in writing if additional material will be required before or at the time of the site visit.
 - 3. The site visit will include one or more interview(s). The individuals to be interviewed will be determined in advance after consulting with the director. A list of those to be interviewed will be given to the director in advance.
 - 4. The site visit may also include a random review of program records pertaining to CRB volunteers and their cases.

- D. OJA staff will issue the preliminary written Certification Report to the director within thirty days after the completion of the site visit. Directors who disagree with the report or sections of it will have fifteen days to discuss it with the OJA staff before it is completed. The final Certification Report will be issued by the OJA staff within five working days of the expiration of the fifteen days discussion period. A copy of the final Certification Report will be sent to the administrative judge and the director.
1. In the report, the OJA staff will rate each component of the program, as explained in Sections I through IV of these standards. The ratings to be used are as follows:
 - a. Meets standard,
 - b. meets standard with qualification, and
 - c. does not meet standard.
 2. Any components which do not meet standards or which meet standards with qualifications will be explained in a narrative section. The explanation will include the tasks to be done in order to upgrade the rating.
 3. The program will be given forty-five days to correct item(s) rated as not meeting standards on the final Certification Report. Written verification of changes must be submitted to OJA staff within the forty-five days. OJA staff may schedule a second visit.
 4. Components which meet standards with qualifications must be corrected by the program before the next certification cycle begins.
- E. After certification, if OJA staff determine that a program may not comply with the standards and informal corrective action failed to correct the problem, OJA staff may conduct an audit. Such audit will comply with the provisions of Section V.C. and Section VI.

VI. APPEALS PROCEDURE

- A. If a program is not granted annual certification or the annual certification is withdrawn, it may appeal the decision to the Supreme Court.
1. The request for hearing must be in writing.
 2. The request must be mailed to the Supreme Court within forty-five days after receipt of the final Certification Report.

- B. Appeals will be reviewed by a panel of three members, appointed by the chief justice of the Supreme Court.
 - 1. At least one member will be a director of a certified CRB program.
 - 2. Panel members may not reside in the judicial district where the program being reviewed is located.
- C. The panel shall convene a hearing within forty-five days at which the director and the OJA staff will be present.
 - 1. The administrative judge who established the program shall be invited to attend or send a designee.
 - 2. Any persons in attendance may present documentation, testimony, and/or witnesses at the hearing. In making such presentations, consideration should be given to time constraints.
 - 3. The panel shall prepare a report of its findings within two weeks.
 - 4. The findings of the panel will be advisory to the Supreme Court.
- D. If the panel upholds the denial or withdrawal of certification, it shall include in its report the conditions and timetable whereby it recommends that the program may reapply.

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CERTIFIED CRB VOLUNTEERS

Pursuant to CRB Standard I.E., this is written notification to the Office of Judicial Administration that individuals have been screened, trained, and certified as CRB volunteers.

As of _____ (date of last notification), the individuals listed on the attached sheet have been certified as CRB volunteers. A date in each column indicates that the volunteer passed the screening criteria listed. (If a written exception has been made by an authorized judge, no date will appear in the appropriate column--KBI Criminal Record Check or Child Abuse Registry--but the column "Written Exception by Judge" will have a date.)

Judicial District

Signature of Director

Date

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DECERTIFIED CRB VOLUNTEERS

Pursuant to CRB Standard I.E., this is written notice to the Office of Judicial Administration that the following volunteers have resigned or have been terminated:

Name

Date of Termination/Resignation

Judicial District

Signature of Director

Date

