



Proponent Testimony for House Bill 2329

Chair Warren, Vice Chair Titus, Ranking Member Corson, and Members of the Committee, thank you for the opportunity to provide proponent testimony on HB 2329. My name is Erica Case, and I am a practicing Kansas attorney representing EmberHope, Inc., a non-profit provider serving youth and families across Kansas. EmberHope provides community-based services, foster care homes, and treatment services for youth involved in, or at elevated risk of involvement in, both the child welfare and juvenile justice systems. We have developed the protocol for the Crossover Youth Practice Model in Sedgwick County and regularly serve youth with significant behavioral health needs, trauma histories, and patterns of escalating conduct that pose immediate safety concerns to parents, staff, caregivers, siblings, foster care homes, other children in care, placement providers, and the community. Since the enactment of SB 367, EmberHope has observed unintended consequences from the major juvenile justice reform of 2016. Over the last year, we have continued to advocate for continued reform to better serve youth engaging in criminogenic behaviors while experiencing placement instability, untreated trauma, substance abuse, and mental health issues. Our goal is to prevent youth from penetrating deeper into either complex system and exiting custody with a lengthy criminal history without having the opportunity for stabilization prior to long-term incarceration or institutionalization. HB 2329 provides support for our observations that immediate and intermediate consequences are needed to stabilize these youths.

While SB 367 appropriately reduced the number of youths being detained for lengthy amounts of time, reduced overall penalties for juveniles, and reduced the use of congregate care placements, it did so without establishing a sufficient immediate and intermediate consequence needed for some crossover youth. As a result, youth who are repeatedly engaging in serious or escalating behaviors, including the use of firearms and deadly weapons, repeat offenses for physical aggression toward caregivers or staff, criminal damage to property, vehicle theft, and abuse of life-threatening substances, often remain in the community with minimal immediate consequences. When immediate and intermediate consequences are unavailable for a majority of criminal offenses warranting an arrest, we frequently see youth continue to repeatedly commit crimes until they are detained on serious felony charges.

- According to the Kansas Department for Children and Families (DCF), during the 2024 calendar year in Sedgwick County, 187 youths were in foster care at the time of arrest.



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- 60 of 187 (32%) of the youth in foster care who were arrested are related to issues at their placement, with the top charge being battery.
 - Aggravated Assault/Assault: 3
 - Battery: 31
 - Criminal damage to property < \$1000: 15
 - Criminal damage to property >= \$1000 but <= \$25000: 4
 - Disorderly Conduct: 7

Currently, in Sedgwick County, a local Memorandum of Understanding (MOU) permits an override of the detention risk assessment tool when a firearm is alleged to have been used in the commission of a crime; HB 2329 appropriately codifies this existing practice and preserves judicial oversight of the override. We recommend that the override process be extended to include repeat offenses of crimes involving youth demonstrating escalating use of physical violence against caregivers, staff, and other youth in care, weapons, theft of vehicles, criminal damage to property, and the use of life-threatening substances. These youth often experience placement instability after an arrest.

This short, detained timeframe allows providers to stabilize the youth, conduct assessments, identify appropriate placements, connect the juvenile to treatment and mentoring services, and request court-ordered bond conditions designed to interrupt escalating behavior with judicial oversight. EmberHope respectfully urges the Committee to support HB 2329 and to include amended language addressing two or more repeat offenses so that documented patterns of escalating conduct can be addressed earlier, preventing deeper penetration into either the child welfare or juvenile justice system.

Respectfully submitted,

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