

**IN THE SUPREME COURT OF THE STATE OF KANSAS**

**Administrative Order**

2022-RL-072

**FILED**

**September 28, 2022**

**DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS**

**Standards for Kansas Citizen Review Board Programs**

The attached Standards for Kansas Citizen Review Board Programs are hereby adopted effective January 1, 2023.

These standards supersede those adopted by 2011-AD-255 on October 4, 2011, which are rescinded effective January 1, 2023.

Dated this 28th day of September 2022.

FOR THE COURT



MARLA LUCKERT  
Chief Justice

**STANDARDS  
FOR  
KANSAS CITIZEN REVIEW BOARDS**

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## STANDARDS FOR KANSAS CITIZEN REVIEW BOARDS

### Definitions

1. **Applicant:** a person who has applied to become a CRB volunteer, a program intern, or a CRB program employee or a person currently affiliated with the program who has been submitted for re-screening.
2. **Electronic Signature:** handwritten and scanned signature or a verified digital signature obtained with signing software.
3. **Files:** volunteer and case files may be electronic or in paper format.
4. **Program (the program):** a Citizen Review Board (CRB) program certified by the Office of Judicial Administration. Duties assigned to a CRB program in these standards must be fulfilled by the program coordinator or the CRB coordinator's designee, unless otherwise noted
5. **Volunteer:** a certified CRB volunteer.
6. **Chief Judge:** The chief judge of the judicial district.

## **I. CERTIFICATION OF CRB VOLUNTEERS**

### **A. Certification requirements**

Applicants must be certified as volunteers prior to case assignment. (CRB) applicants are eligible for certification upon successful completion of the following:

1. screening procedures;
2. a signed oath of confidentiality;
- 3.. training requirements (see Section II of these standards);
4. written notification to the Office of Judicial Administration (OJA) as outlined in section I.M.; and
5. notification from OJA to the program when a volunteer is certified.

### **B. Screening conducted by the program**

The program must consider at least the following information:

1. the individual's written application which must include the following information:
  - a. educational background and training;
  - b. employment history;
  - c. personal experience with child abuse and neglect; and
  - d. prior contact with the criminal justice and juvenile justice systems;
2. three written references from persons unrelated to the applicant;
3. personal interview; and
4. results of record checks.

### **C. Record checks**

1. The program must obtain the applicant's fingerprints on a fingerprint card provided by OJA. The program must perform the following record checks no sooner than ninety (90) days before the certification request is sent to OJA and then every four years starting from the date on the records check results:

- a. Criminal History Record Inquiry (CHRI) and Kansas Bureau of Investigation (KBI) criminal record;
  - b. criminal history records from the court jurisdiction in which the applicant lives and works;
  - c. criminal history record checks from any county, state, or country in which the applicant has lived or worked the last seven years;
  - d. Child Abuse and Neglect Central Registry or equivalent for any state or country the applicant has lived or worked in the last seven years;
  - e. National Sex Offender Registry; and
  - f. Social Security Number Verification.
2. If the applicant has not been a resident of the United States, Kansas, or current county of residence for the past seven years, the program must make inquiries of the criminal history records of all countries, states, and counties where the applicant has lived and worked in the last seven years prior to application. Certification will not be denied if another state, county, or country does not respond in a reasonable amount of time to the record check inquiry, after a minimum two attempts to obtain the information. If the program receives information that indicates a volunteer has a criminal history equivalent to section I.E.2, the volunteer must be decertified.
3. The applicant must complete the following record check authorizations:
- a. KBI Waiver Agreement and FBI Privacy Act Statement;
  - b. OJA CHRI form;
  - c. Child Abuse and Neglect Central Registry Release of Information form;
  - d. Social Security Verification form; and
  - e. any additional releases needed to complete a record check.
4. The applicant must be informed, in writing:
- a. of the screening procedures which will be used;

- b. that the CRB program coordinator can determine an applicant ineligible for certification;
  - c. that refusal to authorize the records checks will prohibit certification; and
  - d. of the convictions or adjudications that prohibit certification.
5. The program must comply with the Americans with Disabilities Act. The application must include language that notifies the applicant of the program's requirement to comply with the Americans with Disabilities Act.

**D. Prior contact with juvenile justice or criminal justice systems**

The program must make appropriate written inquiries to the applicant regarding any prior contact with juvenile justice or criminal justice systems. The program must furnish the information to OJA.

**E. Screening conducted by OJA**

OJA must conduct a KBI records check for each applicant.

- 1. The program must provide information for the KBI records check to OJA on the CHRI form provided by OJA.
- 2. OJA must screen the applicant through the KBI criminal records check and determine the applicant's eligibility to be a volunteer. An applicant is not eligible if the applicant:
  - a. was convicted of any felony as an adult;
  - b. was convicted as an adult of any misdemeanor which is a sex offense, a crime against public morals, a crime affecting family relationships and children, crime against the public peace, crimes against persons, crime against public safety, crimes involving controlled substances, assault, battery, or an attempt or conspiracy to commit any such misdemeanor;
  - c. was adjudicated a juvenile offender because of having committed an act, which if done by an adult, would constitute the commission of a felony;
  - d. was adjudicated a juvenile offender because of having committed an act which, if done by an adult, would constitute a misdemeanor as described in subsection I.E.2.b.;



- e. entered into a diversion agreement involving a charge of child abuse or a sexual offense; or
  - f. was convicted or adjudicated of any act that would pose a risk to children or to the credibility of the program.
3. An applicant with pending criminal charges is not eligible unless and until the charges have been dismissed or the individual is found not guilty.
  4. The applicant cannot be certified if it is found that the applicant has a criminal history equivalent to section I.E.2. unless an exception is granted pursuant to section I.G.
  5. OJA must give written notification to the CRB program regarding an applicant's eligibility to be appointed as a CRB volunteer. Only applicants who are found eligible or are granted an exception by the chief judge or their judge designee may be certified as a volunteer.

**F. Screening conducted by the Department for Children and Families (DCF)**

The program must complete a Child Abuse and Neglect Central Registry records check through DCF and make inquiries of the equivalent registries of other states where the applicant has lived or worked in the last seven years. An applicant must not be certified if DCF or a similar agency in another state lists the applicant as substantiated as the perpetrator of an act of child abuse or child neglect. Certification will not be denied if the registry of another state refuses to give information in a timely manner. If documentation stating that the volunteer is a perpetrator of an act of child abuse and neglect is received after certification is granted, the CRB program must decertify the volunteer.

**G. Request for exception**

If an applicant's criminal history is equivalent to section I.E.2., the program coordinator may seek an exception from the chief judge or the chief judge's judge designee. The program coordinator may seek an exception from the chief judge or their judge designee. If an exception is granted, the chief judge or their judge designee must state the justification in writing. The letter of exception must be placed in the applicant's file, and a copy must be provided to OJA.

**H. Maintenance of volunteer certification**

1. To remain a certified CRB volunteer, individuals must complete the following:
  - a. record check authorizations as outlined in I.C.3. every four years;
  - b. continuing education requirements as outlined in section II.E;

- c. written acknowledgment of conflict of interest every four years; and
  - d. written acknowledgment of confidentiality every four years.
2. The program must submit background checks to maintain a volunteer's certification as outlined in I.C.1.a-f. If a volunteer's background check results in section I.C.1.a-f are not received by the program every four years, the volunteer must stop all case related activities until background check results are received by the program.

**I. Notification of criminal charges to program**

Applicants and volunteers must immediately notify the program of any citations or criminal charges filed against them. Failure to notify the program could result in decertification.

**J. Continued screening**

The program must continue to assess an applicant during the training process until certification is granted. If during the screening or training process the program coordinator determines an applicant cannot be certified, the applicant must be notified in writing, and the notice placed in the applicant's file. The program coordinator may determine an applicant ineligible for certification.

**K. Retention of applicant and volunteer records**

Written records pertaining to each applicant's screening results, training completed, and CRB appointment must be maintained by the program. The program must maintain records on an applicant for a minimum of three years. If certified, the program must maintain records on a volunteer for a minimum of five years after a volunteer has been decertified.

**L. CRB volunteers' access to records**

The program must have written policies and procedures for access, review, and response to information contained in the CRB volunteers' files. Policies and procedures must include volunteers' access to their records.

**M. Request for certification and decertification to OJA**

1. Within thirty (30) days of completion, the program must send a list of volunteers who have met all of the requirements to OJA and request certification.
2. If a program determines that a volunteer must be decertified, the request to decertify the volunteer must be sent to OJA within 14 days. The program must provide the reason for decertification.
3. OJA may decertify a volunteer on its own if deemed appropriate.

4. Program requests for certification and decertification must be submitted on forms provided by OJA.
5. OJA must notify the program when a volunteer is certified or decertified.

**N. Acknowledgment of duty as a volunteer**

All applicants must be provided with a job description which clearly outlines the expectations of the volunteer. Prior to certification, the applicant must sign an acknowledgment of the expectations and indicate their agreement to fulfill duties as outlined. The acknowledgment must address:

1. Kansas CRB Standards;
2. volunteer duties;
3. program policies and procedures; and
4. conduct expectations.

**II. TRAINING OF CRB VOLUNTEERS**

**A. Pre-service training requirement**

The volunteer training curriculum must be approved by OJA. All applicants must complete training prior to serving as a volunteer. Credit may not be given for prior education or training obtained. The program may allow applicants to participate in pre-service training provided by other Kansas CRB programs.

**B. Required training topics**

1. Pre-service training must include the following topics:
  - a. roles & responsibilities of CRB volunteers;
  - b. confidentiality;
  - c. diversity and disparate outcomes;
  - d. child abuse and neglect;
  - e. permanency planning;
  - f. organization of case files and interpreting documents;
  - g. interviewing techniques;
  - h. communication with children and families;

- i. relevant Child In Need of Care state and federal laws and regulations;
- j. relevant Juvenile Offender state and federal laws and regulations;
- k. juvenile intake procedures and dispositional options;
- l. Kansas court process;
- m. dynamics of families;
- n. child welfare system;
- o. child development;
- p. trauma, separation, and loss;
- q. substance abuse;
- r. effective recommendations; and
- s. at least 4 hours of training designed to provide information specific to the certifying program which must include:
  - 1. local policies and procedures;
  - 2. local courts, and
  - 3. community resources.

**C. Court observation**

The training must include observation of juvenile court proceedings. This includes observation of both a CRB hearing and a district court hearing. The CRB program must establish and follow procedures to obtain court approval prior to trainees observing court hearings, pursuant to K.S.A. 38-2247. A statement of confidentiality must be signed by the trainee prior to observing court or CRB. No more than two hours of court observation may be applied to the four-hour requirement in section II.B.1.s.

**D. Training manual**

Trainees must be provided a training manual and synopsis of pertinent Kansas laws.

**E. Continuing education**

CRB volunteers must complete twelve (12) hours of continuing education annually. The program must make a minimum of twelve (12) continuing education hours available by providing the education directly or providing volunteers with information about educational opportunities. Volunteers may be granted continuing education credit for any pre-service training hours completed in the calendar year. Volunteers' continuing education hours may be prorated based on their certification date. Volunteers' continuing education hours must be completed by December 31<sup>st</sup>. An extension may be granted by the program coordinator for up to 30 days. If the program coordinator grants an extension, the extension must be documented in the volunteer file.

**III. PROGRAM POLICIES GOVERNING ADMINISTRATION**

**A. Citizen Review Boards: duties and powers**

All program policies and practices must comply with provisions of K.S.A. 38-2207 and 38-2208.

**B. Case assignment records, calendar, and files**

A CRB program must maintain the following information:

1. complete case assignment records;
  - a. order appointing CRB
2. up-to-date calendars of scheduled CRB hearings;
3. list of certified volunteers and their contact information; and
4. up-to-date case files, including but not limited to:
  - a. documents contained in the official file as defined by K.S.A. 38-2209 (1)(A);
  - b. documents contained in the social file as defined by K.S.A. 38-2209 (1)(B); and
  - c. volunteer and coordinator notes.

**C. Case file return**

Volunteers must return all case related documents, including notes, to the program within 30 days of closure. The program must notify the court and OJA immediately if case related materials have not been returned.

**D. Case file record retention**

All information not found in the court's files must be maintained until the child reaches 18 years of age and the child's case is closed.

**E. Case destruction policy**

The CRB program must establish a destruction policy which establishes the procedure for tracking and destroying case files.

**F. Filing and distribution policy**

The program must establish a policy regarding filing and distribution of CRB recommendations.

The program must establish a policy that requires any documents reviewed by CRB during a hearing to be filed with the court.

**G. Annual written report**

The program must submit an annual written report to OJA and the chief judge on a form provided by OJA. OJA must compile a statewide annual report to be distributed to each program and to the Supreme Court Task Force on Permanency Planning.

**H. Files and information sharing**

The program may retain files in paper or electronic format. If electronic files and records are maintained, the program must establish a policy and procedure to address the secure back-up and maintenance of files and records as well as a policy regarding the destruction of electronic files.

The program must establish policies and procedures to address the secure exchange of electronic information.

The program may utilize electronic signatures. Signatures must be verified by the applicant or volunteer at the time of signing.

Electronic file storage is subject to the court's local rules and policies and retention and destruction procedures as outlined in section III.D.-E.

**I. Management and personnel policies**

The program must have written management and personnel policies and procedures to govern any paid program staff. The program must develop a transition plan for the program coordinator in the event of a vacancy.

**J. Conflict of interest**

The program must establish a conflict of interest policy to govern the conduct of program employees. To avoid a conflict of interest or an appearance of impropriety, the program may not hire staff who are currently employed by the Department for Children and Families (DCF); DCF grantees, contractors, or

subcontractors; the Department of Corrections (DOC); or community corrections. CRB staff must recuse themselves from any case where the employee has or has had a personal or professional relationship with family members or any party to case. The conflict of interest policy must:

1. identify, define, and prohibit conduct and transactions in which a conflict of interest exists or has the potential to exist and warrants disclosure;
2. prohibit program employees from having indirect or direct interest in the assets, leases, business transactions, or professional services of CRB or the individuals served by the program;
3. require that program employees disclose a conflict of interest or potential for conflict of interest upon discovery;
4. include a procedure for dismissal or other appropriate discipline upon failure to disclose the conflict of interest;
5. include a procedure for recusal from the transaction or decision by program employees with a conflict of interest or potential conflict of interest; and
6. require a conflict of interest policy to be signed by program employees and maintained in their files.

**K. Screening procedures**

The CRB program must ensure that program employees undergo screening procedures as outlined in section I.C.1. of the Standards. The program must repeat the required screenings every four years.

**L. Reporting abuse and neglect**

The CRB program coordinator or the coordinator's designee should report to DCF or law enforcement any situation in which the program employee has reason to believe that a child served by the program is in imminent danger. Documentation of any reports made must be filed in the case file.

**M. Required leadership training**

1. The program coordinator is required to attend OJA's annual CRB Coordinator's Training in its entirety.
2. The program coordinator must attend all quarterly meetings. If unable to attend, the program must request approval within 48 hours prior to the meeting.

**N. Policy and procedure manual**

The program must submit a complete copy of program policies and procedures as of the effective date of these standards. Each time a policy or procedure is amended, a complete copy of the manual must be submitted to OJA.

**O. Communication with OJA**

The program must respond timely to OJA communications. The program must inform OJA immediately if the program is no longer serving children or if the program is out of compliance with these standards. The program must adhere to all timeframes and deadlines established by OJA.

**P. Programs operating under or as an umbrella organization**

Programs operate under the authority of the local court. Program operation will not be directed by a board of directors. Only CRB program employees and interns may have access to CRB case files, volunteer files, and electronic information about cases or volunteers. CRB program employees may perform any duties related to case supervision or volunteer management for the program. If the program shares administrative functions with another entity such as a CASA program, the CRB program's financial information including grant income and expenses, payroll, and program expenses must be clearly separated from other programs. Program employees may not share information across the entities without first obtaining a release or a court order. Background checks submitted by the program must only pertain to CRB volunteers, CRB program employees, or interns for the CRB program.

**IV. PROGRAM POLICIES GOVERNING CRB VOLUNTEERS**

**A. Compliance with statutes**

The program must develop policies to comply with the provisions of K.S.A. 38-2207 and 38-2208.

**B. Assignment and removal from cases**

1. The program must establish a policy that assigns responsibility to the program for all decisions regarding assignment or removal of specific volunteers from specific cases.
2. The volunteer must be appointed to CRB prior to hearing cases.
3. The volunteer must be reappointed to CRB annually.

**C. Conflict of Interest**

The program must develop policies regarding volunteer conflict of interest. Prior to assigning a board to hear a case, the coordinator must screen the board for conflicts of interest by providing a general overview of the case to be heard. No specific child's information should be shared before a determination regarding conflicts of interest is made. No volunteer may review a specific case or serve on



a board if the individual has a professional or personal relationship to the family or serves or has served as the child's CASA volunteer. No applicant must be certified as a CRB volunteer if the person is currently employed by a local CASA program; local district court; DCF; DCF private contractors, subcontractors, or grantees; the DOC, or community corrections. The conflict of interest policy must:

1. identify, define, and prohibit conduct and transactions in which a conflict of interest exists or has the potential to exist and warrants disclosure;
2. prohibit volunteers and interns from having direct or indirect financial interest in the assets, leases, business transactions, or professional services of the program;
3. require that volunteers and interns disclose a conflict of interest or potential conflict of interest upon discovery;
4. include a procedure for recusal from the transaction or decision by volunteers or interns with a conflict of interest or a potential conflict of interest; and
5. include a procedure for dismissal or other appropriate discipline upon failure to disclose a conflict of interest.

**D. Written policies**

The program must have written procedures and policies governing volunteers approved by the chief judge or designee. The written policies must include:

1. guidelines pertaining to absences and inactive volunteer status for volunteers;
2. procedure for the reassignment of volunteers to new boards; and
3. limits of the powers of the volunteers.

**E. Inactive status**

Volunteers who are not serving on a board are considered inactive. The program must develop policies pertaining to inactive volunteer status, including the decertification of volunteers who have been inactive for a year and required documentation and guidelines under which a volunteer would have to be retrained. The program coordinator may grant an exception to decertification of an inactive volunteer. If an exception is granted, the justification must be documented. A volunteer may not be inactive for more than two consecutive years. Inactive volunteers must complete annual continuing education as required in section II.E.

**F. Screening procedures**

The program must ensure volunteers undergo screening procedures as outlined in Section I.C.1 of the Standards. The program must repeat the required screenings every four years.

**G. Volunteer suspension**

The program must develop policies about suspension of volunteers due to pending criminal charges. A volunteer's certification must be suspended if the volunteer is arrested, charged with a crime, or convicted of a crime. If the program is made aware that a volunteer is under investigation for a crime listed in section I.E.2, the volunteer's certification must be suspended. The volunteer must remain suspended pending resolution of the case. If convicted of a crime listed in section I.E.2., the volunteer must be removed from all assigned cases and immediately decertified. If convicted of any other crime, the volunteer may be decertified.

**H. Applicant's signed acknowledgement of receipt**

Prior to certification, the program must provide a copy of all policies under section IV to applicants. The program must obtain a signed acknowledgement of receipt. Any revision to policies under section IV must be provided to volunteers and an acknowledgment of receipt must be obtained within sixty (60) days of the adoption of the policy revision.

**I. Confidentiality**

The program must require CRB volunteers to maintain confidentiality. The CRB volunteer must sign a statement of confidentiality every four years to be retained in the volunteer's file.

**J. Transfer**

The program must develop policies about the transfer of a volunteer to another program. A CRB volunteer who transfers to another CRB program must complete the full application and screening process, and a minimum of four hours of training as outlined in section II.B.s. A copy of the volunteer's file must be sent to the receiving program. After the receiving program completes the certification process the transferring program must decertify the volunteer.

**K. Decertification**

The program must establish policies and procedures for volunteer decertification. The request for decertification must be sent to OJA on a form provided by OJA within fourteen (14) days of the volunteer's resignation or termination. OJA must provide the program with notification that the volunteer has been decertified. Documentation of decertification must be retained in the volunteer's file.

## **V. PROGRAM FUNDING**

### **A. Availability of funds**

A program operates pursuant to K.S.A. 38-1808, subject to the availability of funds in the Permanent Families Account.

### **B. Funding requests**

All requests for funding and support for the CRB program must be approved by the chief judge of the judicial district.

### **C. Supreme Court rules**

CRBs operate under the direction and control of the district court and are subject to Supreme Court rules governing judicial conduct.

### **D. Solicitation of funds**

The program may not solicit gifts or financial support from private individuals or entities.

### **E. Grants**

With the approval of the chief judge or the chief judge's judge designee, a CRB program may apply for grants from governmental or 501(c)(3) not-for-profit entities, provided the application or award of a grant does not reflect adversely on a judge's impartiality or interfere with the performance of a judge's duties.

### **F. Annual budget report**

The program must prepare and submit to the OJA an annual written budget reflecting actual and projected income and expense. The budget must be completed using electronic accounting software. The CRB program must re-submit the budget to OJA if it deviates 10% or more from the previously submitted budget. The revised budget must be received within 30 days of discovery.

## **VI. CERTIFICATION OF THE PROGRAM**

### **A. Certification forms and timeframes**

1. Before being appointed to a case, each new program must apply to OJA and be certified. Each year after initial certification, the program must:
  - a. submit a certification application to OJA on forms provided by OJA;
  - b. include all required documents with the application;
  - c. submit the application to OJA within the established timeframe; and

- d. participate in an annual audit as described in Section VI.B.
2. The certification year is from January 1 to December 31. Certification of the program in the year these standards are adopted will certify the program until December 31 of the following year.
3. Materials and statistics provided in the application must cover the prior certification year.

**B. Annual Audit**

As part of the certification process, OJA staff must schedule an annual audit to each program which may be conducted in-person or virtually, at the discretion of OJA.

1. The annual audit must take place during the calendar year completed certification forms and materials were submitted. The annual audit may include observation of a CRB hearing. When a program does not have a scheduled hearing within that time frame, OJA may schedule observation of a CRB hearing on a separate date.
2. If additional materials are required, OJA must inform the program in writing.
3. In addition to program employees, OJA may ask others to participate in the audit process.
4. The annual audit must include a review of program records.

**C. Written certification report**

Following the site visit, OJA must issue a preliminary written certification report to the program coordinator and chief judge. Programs who disagree with any portion of the report will have 15 days to provide written objections before it is finalized. The final certification report must be issued following the expiration of the objection period. A copy of the final certification report will be sent to the chief judge and the program.

1. In the report, OJA must rate each component of the standards, as explained in sections I through VI of these standards. The ratings to be used are:
  - a. meets standard, or
  - b. does not meet standards.

2. Any items which do not meet standards must be explained in a narrative section. The explanation must include the tasks to be done in order to upgrade the rating. The CRB program must submit a program improvement plan (PIP) 15 days from the date of the final report. The PIP must include steps to correct items that did not meet standards along with a timeframe for completion. OJA must approve the PIP. OJA may schedule additional audits to review the implemented improvements.
3. If no improvements are implemented, or if the improvements are determined to be inadequate, certification may be revoked. Notice of certification revocation must be sent to the chief judge and their judge designee. The program must cease all operations including volunteer training and any other activity by which the program holds itself out to be a certified CRB program. The certification revocation must not prohibit any person from appearing in court pursuant to a lawful subpoena. The program may reapply for certification following resolution of the items identified in the program improvement plan. Program employees, and the chief judge or their judge designee may engage in activities necessary to complete the certification process.

## **VII. PROGRAM COMPLAINTS**

### **A. Form**

If an individual believes that a program is not meeting these standards, the individual may file a complaint with OJA on a form provided by OJA.

### **B. Process**

If OJA receives a written complaint, the subsequent steps must be taken.

1. OJA must contact the CRB program and inform them, in writing, of the complaint within 15 days.
2. The program must respond within 30 days. The response must address the complaint and provide any information which could verify that the program is in compliance with standards.
3. If the program is not in compliance with the standard as alleged in the complaint, the response must include a plan to correct the deficiencies.
4. Within 15 days of receiving the response, OJA must inform the program in writing whether or not the response is sufficient.
5. If OJA determines the response is insufficient, the program must submit a program improvement plan (PIP) within 30 days addressing the areas of noncompliance. The program improvement plan must:

- a. address areas of non-compliance;
  - b. list action steps correcting the items identified as noncompliant with Kansas CRB Standards;
  - c. provide detail as to how the plan will be implemented; and
  - d. provide a timeline for implementation.
6. If a CRB program does not respond within 30 days of the written notice of the complaint, a program evaluation must be initiated.
7. Within 15 days of receiving the PIP, OJA must either accept the plan or request revisions.
  - a. If the PIP is accepted, OJA must monitor the plan's progress until completion. OJA may revise or extend the program improvement plan.
  - b. If OJA requests revisions to the PIP, the program must submit a revised plan within 15 days of the request. If a program does not submit a revised plan as requested, a program evaluation must be initiated.
8. If the CRB program does not submit a program improvement plan, a program evaluation must be initiated.
9. If no improvements are implemented, or if OJA determines the improvements are inadequate, certification may be revoked. Notification of certification revocation must be sent to the program coordinator, and the chief judge or the chief judge's judge designee. The program must cease all operations, including CRB volunteer training, holding hearings, and any other activity by which the program holds itself out to be a certified CRB program. The certification revocation must not prohibit any person from appearing in court pursuant to a lawful subpoena. The program may reapply for certification following the resolution of items identified in the PIP. CRB program employees, the chief judge or the chief judge's judge designee, and persons appointed by the chief judge or the chief judge's judge designee may engage in activities necessary to complete the certification process.

**C. Notice of compliance**

If OJA determines that the CRB program is in compliance with all standards, OJA must issue a written notice.

**D. Extensions**

OJA may grant extensions to timeframes listed in Section VI and VII.

**E. Discretionary audit**

OJA may review the program's compliance with these standards at any time.

**VIII. PROGRAM EVALUATION**

**A. Initiation**

OJA may conduct a program evaluation at any time.

**B. Process; timeframes; onsite evaluation; onsite report; written determination**

If OJA initiates a program evaluation, it must:

1. Notify, in writing, the chief judge or the chief judge's judge designee and the program coordinator within 15 days of initiation. Notification must include the reasons for the program evaluation.
2. Schedule the onsite review with the chief judge or chief judge's judge designee and the program coordinator. OJA will identify an onsite team to conduct the program evaluation. The onsite team members must not reside or work in the judicial district where the program under evaluation is located. The team may include:
  - a. a court administrator;
  - b. a court services officer;
  - c. a CASA program director;
  - d. a CRB coordinator; and
  - e. any other representative identified by OJA as required to conduct the review.
3. The onsite evaluation must be completed within 60 days of the notice of and must include:
  - a. interviews with the chief judge, chief judge's judge designee, the program coordinator, and any additional community members with knowledge of the CRB program;
  - b. review of program records pertaining to employees, CRB program volunteers, CRB volunteers, and case files; CRB program policies and procedures; memorandums of agreement;

- c. review of local court rules; and
  - d. review of any additional items required by these standards.
- 4. The onsite team must issue a report to the judicial administrator which must include the evaluation team's findings and recommendations on the program's compliance with these standards. A copy of the report must be provided to the chief judge or chief judge's judge designee, the program coordinator, the Supreme Court Task Force on Permanency Planning, and the Kansas Supreme Court.
- 5. The judicial administrator must make a written determination within 30 days of receipt of the report. The judicial administrator may determine:
  - a. no further action is required of the program, or
  - b. the program's certification is revoked.

## **IX. APPEALS PROCEUDRE**

### **A. Program requirements and timeframes**

- 1. The program may appeal the certification denial or revocation decision to the Supreme Court. The appeal must:
  - a. be in writing; and
  - b. be sent to the Supreme Court within 45 days of the final certification report or revocation of certification.
- 2. The program must cease operations pending the appeal unless otherwise ordered by the Supreme Court.

### **B. Review panel**

Appeals must be reviewed by a panel of three members appointed by the chief justice of the Kansas Supreme Court. The panel must include at least one program coordinator of a certified CRB program. Panel members may not reside or work in the judicial district where the program being reviewed is located or have served as a member of the onsite review team.

### **C. Hearing and report timeframes; findings; final decision**

- 1. The panel must convene a hearing within 45 days of appointment. Representatives from the program appealing the denial or revocation of the certification are required to attend the hearing and must include the program coordinator. Additional required attendees include a



representative from the OJA, a representative from the district court and any other individuals identified by the panel.

2. Any persons in attendance may present documentation, testimony, and witnesses at the hearing. The panel may set time limits for such presentations.
3. The panel must prepare a report of its findings within 30 days of the hearing. If the panel recommends certification denial or revocation, it must include recommendations regarding any conditions to be satisfied before the program may apply for certification.
4. The findings of the panel are advisory to the Kansas Supreme Court.
5. The Kansas Supreme Court may issue the final decision on the appeal.
6. OJA must provide a copy of the Kansas Supreme Court's final decision to the chief judge and the program coordinator.