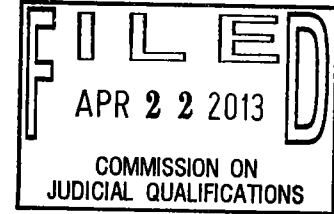




The Supreme Court of Kansas

KANSAS JUDICIAL CENTER
301 S.W. 10th Ave.
Topeka, Kansas 66612-1507



JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE 178

April 22, 2013

A presiding judge in a large judicial district with responsibility for all juvenile offender and child in need of care (CINC) cases is actively engaged in a large community problem of children not attending school as required (truancy).

Local agencies including the District Attorney's office, the Kansas Department for Children and Families (DCF), the Court, and the schools have joined together to explore better ways to engage families with school-age children with the goal of reducing truancy.

These organizations believe the best way to incorporate effective nationwide programs which have reduced trancies is through the involvement of the local Citizens Review Board (CRB). The local county has been given the opportunity to apply for a substantial grant from the DCF to establish through the CRB a program to focus on truancy.

The judge, because of the local CASA program, is statutorily involved in supervision of the CRB, who would administer the funds if received.

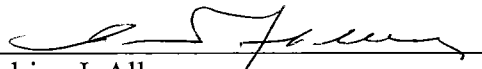
The judge is concerned whether this involvement would present any ethical violation when the judge also presides on truancy cases which come before the Juvenile Department of the local district court.

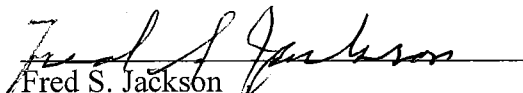
Citizen Review Boards are provided for by K.S.A. 38-2207 and 38-2208 with standards administered through the Kansas Supreme Court by Administrative Order 255 and attachments thereto, issued October 4, 2011. The judge is statutorily required to establish CRBs where funding is available.


The utilization of the funds, if received, would be subject to all of the involved requirements. However, any funding provided for by DCF would not and cannot give DCF any advantage in any truancy case since it is not a party to any court matter. See *In the Interest of C.E.*, 47 Kan. App. 2d 442.

There is also an additional level of separation between the DCF and the court under K.S.A. 38-2208(a)(1) which requires that petitions under the control of an independently elected district attorney be filed in any case before referral for CRB involvement.

Ultimately, the interaction of all the parties is no different than in traditional CINC cases, and we see absolutely no ethical violation in the judge's action.


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