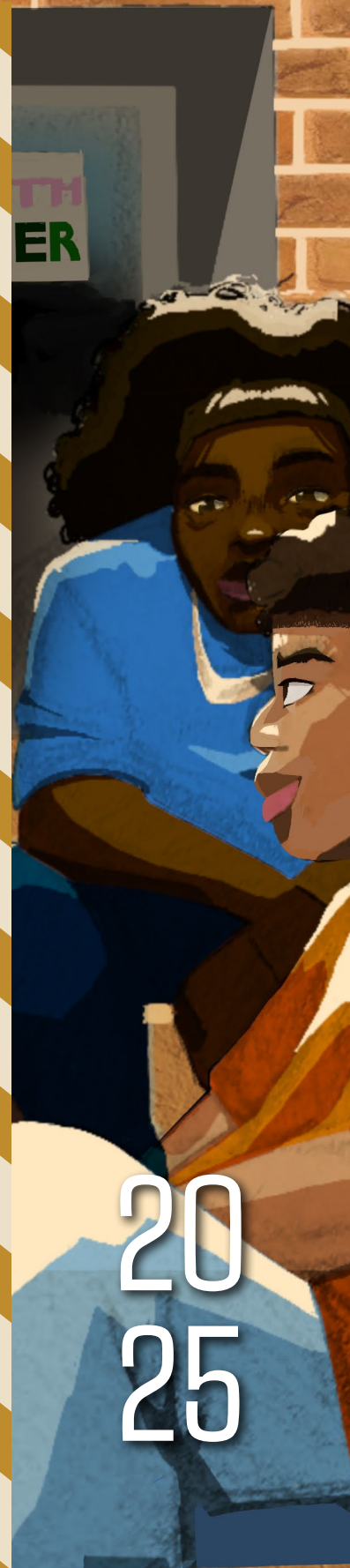


COMMUNITY CENTER

FIVE YEARS LATER

An Update on the
Kansas Youth
Defense Assessment

20
25



In 2020, the Gault Center released Limited Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas.¹

Since then, the Gault Center has been working directly with Kansas decisionmakers, court personnel, defenders, and system-impacted young people to actualize a specialized, statewide system of youth defense in Kansas.

This report provides an update on youth defense in Kansas through the experiences and perspectives of young people in Kansas.

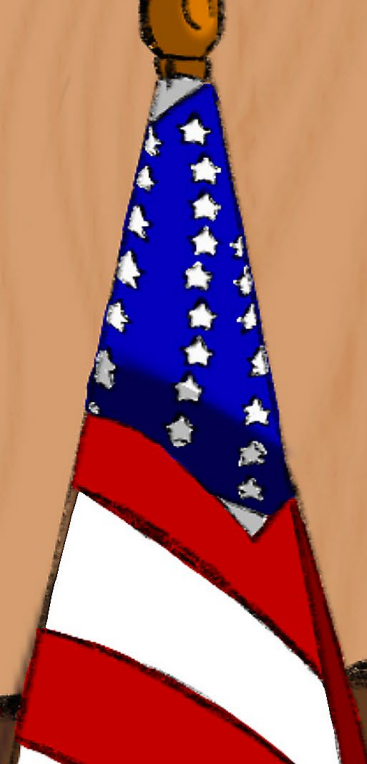
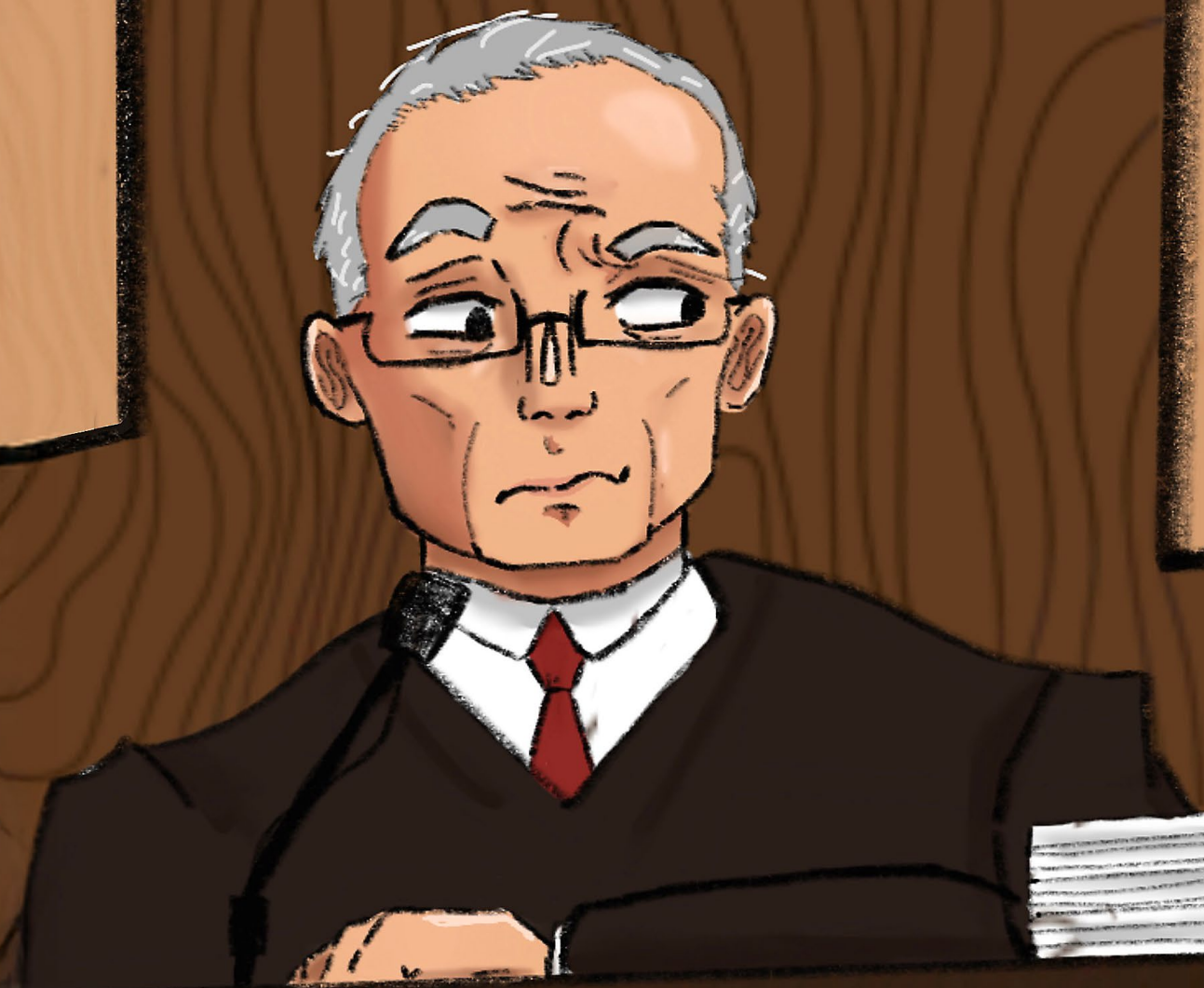
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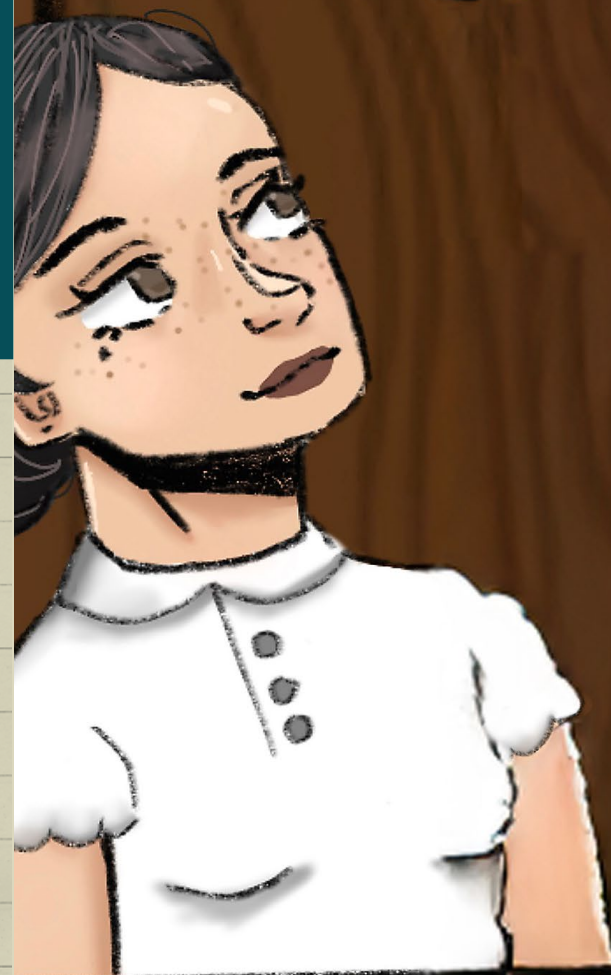
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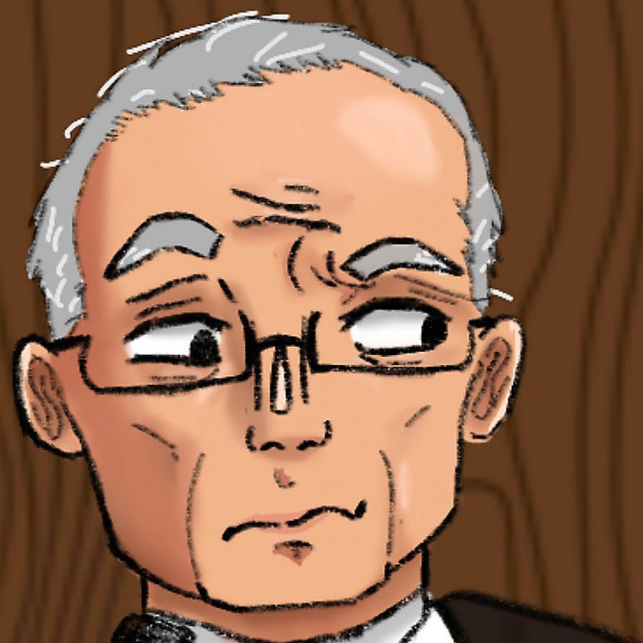




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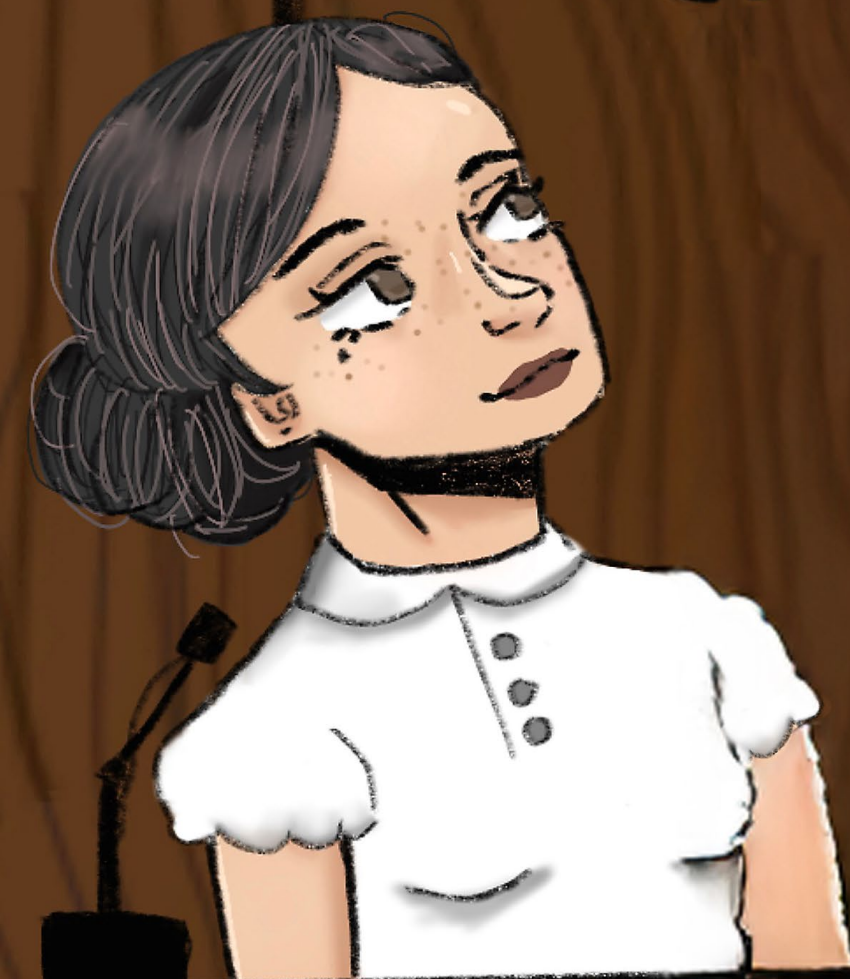
INTRODUCTION





In 2018, the Gault Center (then known as the National Juvenile Defender Center) was invited by the Kansas Supreme Court to conduct a statewide assessment of Kansas' youth defense delivery system.

After conducting more than 100 interviews with judges, defenders, prosecutors, probation officers, and impacted youth and families and hundreds of hours of court observation, statutory analysis, and document review, the Gault Center released its Kansas assessment report in 2020.



THE KANSAS ASSESSMENT

The Kansas assessment found that while every young person has a lawyer, “the quality of defense young people receive far too often does not fulfill constitutional obligations, meet national standards, or satisfy professional responsibility requirements.”² The Kansas assessment found that there were many structural barriers that prevented youth defenders from being able to effectively represent their youthful clients.³

While Kansas made significant strides in many areas of youth justice reform after the passage of Senate Bill 367⁴ in 2016, youth defense was left untouched, underfunded, and under-resourced. The Kansas assessment found that:



The state provides no oversight of [youth]⁵ defense systems or defender quality, has no standards for defense representation, and requires no training either prior to accepting juvenile court cases or throughout a [youth] defense attorney’s career. The state also provides no guidance or rules regarding payment for defense attorneys. Kansas is one of only four states with no salaried public defense system representing youth anywhere in the state.⁶

THE ASSESSMENT MADE SEVEN
CORE RECOMMENDATIONS,⁷
ENCOURAGING THE STATE
OF KANSAS TO:

- 01 Implement a strong, specialized system of youth defense.
- 02 Institute statewide standards and oversight of youth defenders and of county-level youth defense delivery systems.
- 03 Establish a youth defense system that allows defenders to become specialists in youth delinquency defense.
- 04 Ensure youth have access to counsel at all stages of the juvenile court process, including for post-disposition and appeals.
- 05 Eliminate fines, fees, and costs associated with juvenile court involvement.
- 06 Eliminate the indiscriminate shackling of youth in juvenile court.
- 07 Eliminate racial disparities in the juvenile court system.

KANSAS YOUTH
DEFENSE IN 2025

After the assessment report was released, the Gault Center was invited to work with a range of court-system professionals to grow a youth defense community and system. In partnership with leaders from across the state, the Gault Center has trained dozens of defenders, prosecutors, and judges; drafted youth defense standards and a youth defense practice manual; built an online youth defense resource hub; hosted a Kansas Youth Defense brown bag series and two statewide youth justice summits; and convened a statewide workgroup focused on supporting efforts to create a youth defense delivery system. Each of these efforts has worked to build a foundation for a strong system of youth defense in Kansas.

As the state designs a youth defense system, it must be responsive to the expressed interests and perspectives of the young people it will serve and ensure that it aligns with the benchmarks of an effective youth defense system as outlined in the recommendations of the Kansas assessment.

This report centers the perspectives of those most impacted by the system — the young people who navigate it. Their experiences offer critical insight into not only whether legal services exist, but also how they experience meaningful representation and where those services continue to fall short.

Kansas' youth defense system
must align with national best
practices.

The perspectives of young
people impacted by the system
offer critical insight.

02

PARTNERS
AND
METHODOLOGY

To guide this deeper exploration, the Gault Center partnered with three organizations:

A youth-led group of system-impacted young people in Kansas who conducted interviews (Progeny),

A research consulting group specializing in evaluation, facilitation, and applied research (TerraLuna Collaborative),

An art gallery focused on supporting emerging young artists (Mulberry Art Gallery).

PROGENY

The Gault Center has had the privilege of working with Progeny, a youth-adult partnership committed to transforming the juvenile legal system into a system that prioritizes prevention, healing, and community- based solutions. Progeny, a program of Destination Innovation, includes boldly resilient youth leaders who have been directly impacted by the legal system. Because young people facing legal challenges routinely feel unheard and underserved by the very systems meant to protect their rights, Progeny and the Gault Center have partnered to provide youth perspectives and training to Kansas decisionmakers. Progeny youth leaders shared their perspectives on juvenile court, probation, and youth defense with decisionmakers from across the state at the first-ever Kansas Youth Justice Summit in Lawrence, Kansas.

This partnership also facilitated the development of a qualitative data analysis project — the Youth Voice Project — to elevate the voices of young people directly impacted by Kansas’ juvenile legal system and to educate decisionmakers about the importance of creating a statewide youth defense system with specialized, zealous defenders.

Progeny youth leaders selected young people for interviews by leveraging existing relationships with youth who were impacted by the juvenile legal system and had previously worked with Progeny. They also reached out to youth who had been involved with and participated in Progeny and Destination Innovation’s programming to ensure that a broad range of voices and perspectives were included. Because many of the Progeny youth leaders are system-impacted themselves, they participated in the interviewing process to understand what each interviewee would experience. After identifying the youth interviewees, Progeny youth leaders utilized an interview protocol to speak with young people about their experiences with court-appointed youth defense attorneys to shed light on the gaps, challenges, and opportunities for real change.

TerraLuna Collaborative is a cooperative consulting firm that has helped organizations navigate change since 2012 by conducting evaluation, research, and facilitation to improve programs, strengthen organizations, and support systems-change initiatives. The collaborative has worked with varied organizations, including schools, communities, nonprofit organizations, businesses, and local governments. Their work is guided by a shared vision for lasting change.

TerraLuna co-created an interview protocol⁸ with Progeny Youth leaders, conducted training on administering the interview protocol, provided support throughout the process, and facilitated analysis of collected data. Once the interviews were complete, TerraLuna transcribed recordings, built a custom qualitative database, conducted an initial analysis of the data, and facilitated qualitative data analysis training for the Gault Center and Progeny.

TERRALUNA
COLLABORATIVE

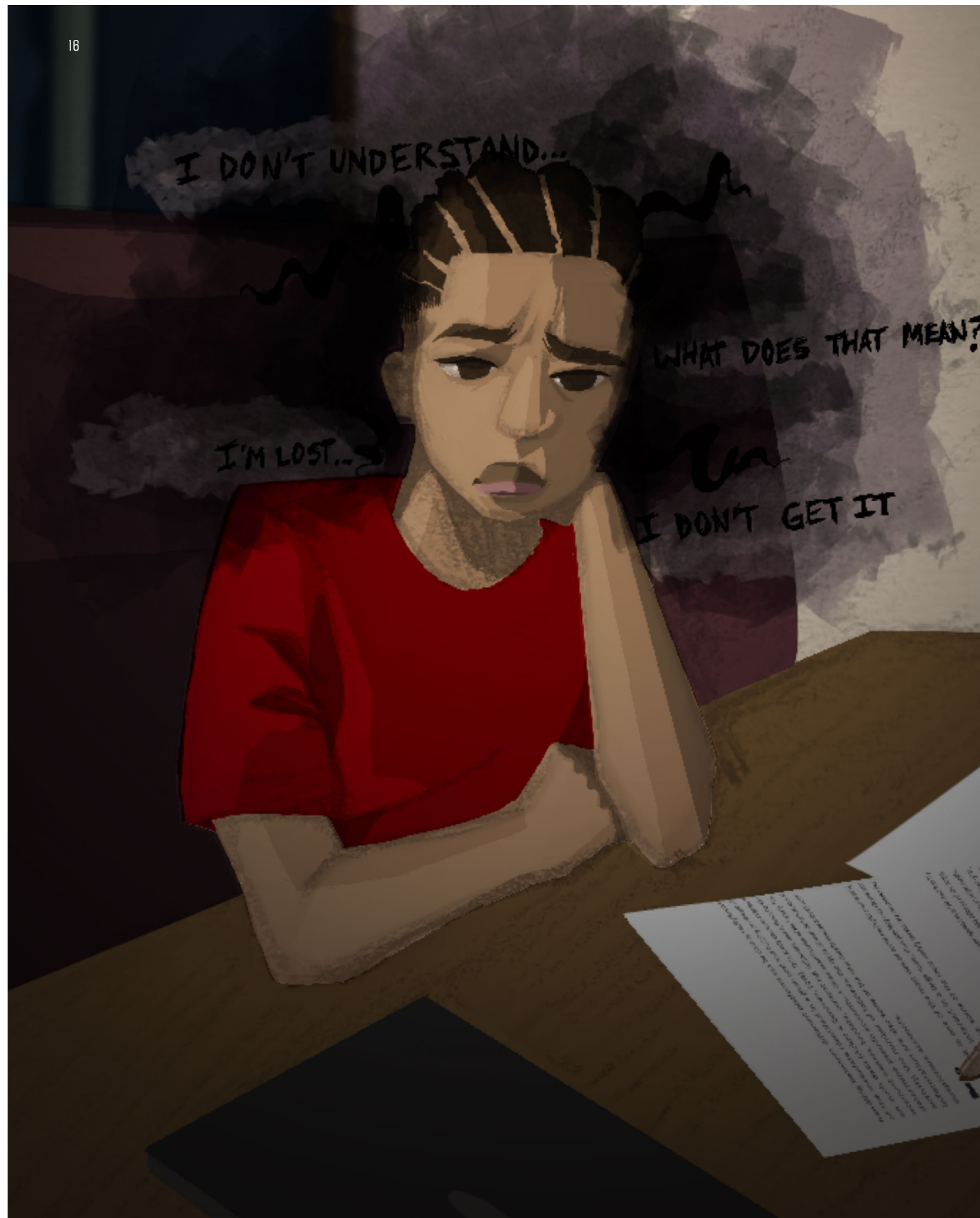
Mulberry Art Gallery in Wichita, Kansas “fosters connections with Black artists, artists of color, and artists historically underrepresented in regional venues. Mulberry aims to serve as a site for innovative creative exploration that will change that narrative and amplify these voices.”⁹

Young people were engaged in this project not only as narrators of their experience, but also as visual artists, to make the data more accessible for a broad audience through reflective illustrations. Two talented youth artists who work with Mulberry Art Gallery, **Mirage Carrington** and **Brooklyn Hicks**, worked with Progeny youth leaders and the Gault Center to illustrate findings from this project. The youth artists collaborated with Progeny youth leaders to find impactful quotes to illustrate and uplift, to provide a visual representation of youth experience in Kansas’ juvenile legal system.

This report serves as both a reflection and a roadmap, incorporating findings from the 2020 Kansas assessment report with the perspectives of young people who have experienced involvement in the juvenile legal system, to highlight emerging opportunities and persistent gaps for building an equitable and effective statewide youth defense delivery system.

This report includes the original assessment report’s findings and recommendations, juxtaposing them with current youth accounts that illustrate how the system functions in practice for the young people within it.

MULBERRY
ART GALLERY



03

CLIENT CONTACT AND COMMUNICATION

I DON'T UNDERSTAND...

WHAT DOES THAT MEAN?

I'M LOST

The attorney–client relationship is fundamental to effective representation. Early and frequent contacts are important to enable the attorney to build rapport, confidence, and trust with the youth. . . . Counsel for children must be aware of the unique characteristics of each client and take the time needed not only to learn about the child’s strengths and vulnerabilities, but also to integrate those into the case strategy at every step in the representation.¹⁰

2020 ASSESSMENT FINDINGS

Defense attorneys should thoroughly prepare youth for what to expect in advance of any hearing and review what happened during the hearing with clients afterward, providing them with ample time to ask questions and raise any concerns. Communication outside of the courtroom is essential to keeping youth informed about how their case is proceeding. Youth should have a safe and confidential environment and sufficient time in which to speak with their lawyer and digest the information discussed.¹¹

When asked about contact and communication with their attorney, young people shared:

”

If you're there to help, you want me prepared. You don't want me just worried about what's going on this whole time. Court coming up, I still ain't talked to you, so I'm super worried. Now I'm talking to you before court, I got all this new information, and I'm still trying to cool my mind from being worried. I don't know nothing. My mind is all over the place for me to actually retain any information you just shared with me. That ain't helpful. And you know that's not helpful.

”

It's a whole 'nother realm when you walk into a courtroom that people don't know about you, and you probably talked to your court-appointed attorney for two seconds right before your court date you probably only met him once and you're supposed to put all your trust into this person, with your whole life, your whole childhood, your whole future and stuff.

QUESTION

How often did you talk to the court-appointed attorneys in your case?

So what could they have done to make that experience better for you?

Where did you meet your court-appointed attorney?

Had court already started when you met him?

ANSWER

“Right before you’re going into court. Meet them right at court, five minutes before you’re going into the actual courtroom. You can have your conversation. No answer emails or phone calls or none of that.”

“Communicate at the very least, at least a day before. Why are you communicating right before you about to go in front of the judge? You don’t understand nothing. You just like cramming. It’s like when you taking a test and you just cram everything, like it’s not good for you. You not gonna really learn nothing.”

The actual courtroom. That was my first time meeting him.

Yep, court was already started.



”

I don't really understand, like, all them court terms and stuff. My attorney broke it down for me, explained it to me. One time he wrote out a whole paper with words that I didn't know, like the definitions and stuff. I still got it, actually. Like to me, it wasn't like he was a court-appointed attorney. It was like this person was the top, highest-paid lawyer in the city. That's what it felt like.



”

My court-appointed lawyer, he definitely behaved a whole lot differently in front of the judge than he did around just me and him. A whole lot differently. He wasn't very helpful at all.

”

I first met my court-appointed attorney at the detention center. Specifically, in court. They had a virtual courtroom inside the detention center, and that's when I met him. It was just a real quick introduction, but I actually had to reach out to him myself. He did not communicate until court. He didn't reach out. He didn't answer no questions. He didn't call until court.

”

You talk to your attorney right before your court date. Sometimes not at all.

”

I feel like that would have been helpful if somebody was there to mediate conversations between me and my court-appointed attorney, if somebody was there to make sure I understood what the court-appointed attorney was telling me. If there was somebody there who could have given me all of the options that the court-appointed attorney might not have been sharing with me, I feel like that would have been helpful. That would have maybe even made him act right.

★ We've highlighted a few moments of progress in the report with a star—because good news deserves to be seen.

ANSWER

No, I wasn't updated. I only was talked to the day of court. Sometimes five minutes before court. Sometimes the judge would have to break us off to go talk about it because I'm telling the judge, I ain't talked to this man.

I did not. I felt unprepared, which made me feel like I was set up for failure.

No.

Cause that's how, that's how I be thinking. Like, you don't really, you don't really care. You just wanna you get it over with.

QUESTION

Did they keep you updated about your case? And if so, how often did you get to talk to them?

So did you feel comfortable having them go to court with you?

Do you think they cared about you and your case?

Why not?

QUESTION

ANSWER

The day that I had my last court date with [my youth defender], that was the last time I’ve seen him. I shook his hand. He told me to start doing better, do great things, and my life will get so much better.★

Did you find those words encouraging?

Yeah, because I remember them.★

Do you ever plan on reaching out to him?

Maybe one day, in the future. Like, just probably to, thank him.★

★ We’ve highlighted a few moments of progress in the report with a star—because good news deserves to be seen.

Young people want their youth defender to help them feel prepared when they enter the courtroom. Preparing a young person for a court date involves meeting with them adequately in advance of the court hearing, explaining what will happen at the hearing in developmentally appropriate terms, and outlining what decisions the young person needs to make in preparation for the hearing. Young people also want to understand their options, what will happen in court, the roles of the individuals in the courtroom, and a youth defender’s role in interacting with the various court personnel. This preparation helps attorney-client relationships and young people feel more confident as they navigate the juvenile legal system.

KANSAS YOUTH
RECOMMENDATIONS

Youth defenders hold a unique role in the juvenile legal system as the *only* ethically mandated expressed-interest advocate for each young person they represent.¹² The practice of youth defense requires dedication to specialized knowledge and practice, commitment to constitutional principles, care and attention to the unique characteristics of the young people defenders serve, and an understanding of the nuances of juvenile court proceedings.¹³

BEST PRACTICE
RECOMMENDATIONS

The State of Kansas must create a youth defense delivery system that provides adequate resources, training, support, and oversight for youth defenders so they can provide essential functions of zealous representation, including timely meetings and consistent communication with their youthful clients.¹⁴ Youth defenders must be appointed sufficiently in advance of any court proceedings or detention hearings so they are able to meet with their clients, establish rapport, and adequately prepare for court proceedings.¹⁵ Youth defenders must embrace their role as an expressed-interest co-creator with young people and meet with them early, often, and collaboratively.

04

SHACKLING

Shackles are instruments of restraint, typically made of metal, but which can also be cloth, leather or plastic. Shackles used in delinquency court today often include leg irons, belly chains, and handcuffs.¹⁶ Kansas has no statewide written limits or guidance on the use of shackles and permits the indiscriminate shackling of youth in juvenile court.¹⁷

2020 ASSESSMENT FINDINGS

Shackling impedes the attorney–client relationship, chills young people’s constitutional right to due process, runs counter to the presumption of innocence, and draws into question the rehabilitative ideals of the juvenile court.¹⁸ [Unfortunately], the shackling of youth is so commonplace that many stakeholders no longer even notice it.¹⁹ Several stakeholders did recognize that shackling can inhibit a young person’s communication. “Communication is key and you cannot communicate when a kid is shackled. Shackling is a sentence.”²⁰

All juvenile court stakeholders in Kansas, but especially defenders, must learn about and recognize the traumatic impact of shackling on young people. Short of a statewide rule or statutory changes, [youth] defense attorneys have an ethical obligation to advocate for the removal of youth’s shackles on an individual case basis, given the recognized psychological harms and due process deprivations shackling has on their clients.²¹

When asked about shackling, young people shared:

”

My first time in front of a judge I was actually in restraints, in a jumpsuit, shackled. They send you down the tunnel and it's messed up, because you feel the metal rubbing against your ankles. You can't even take a long step because it's like six-inch steps, and it's like slavery. I think about what I was in there for, it's like, I ain't did nothing to deserve this. To take your whole humanity away from you all for nothing. I just felt hopelessness and I felt, you know, you feel like freedom was getting taken away. That's what I felt like, less of a human.

”

They have shackles around your legs all the way up to your hands. It's like a seatbelt. You know how you're buckling up a child? You got the right, you got the left, you got the middle. Boom. It was all connected in one, and you walking stiff and slow. You ain't got enough room to really do too much. You do too much, you'll mess your ankle up because it's too tight.

QUESTION

Did they have you in any special clothing? Any handcuffs? Any body restraints at that time?

When you answered the question you held your wrists up and together. Is that something that you remember about being in that space, your hands being in that position?

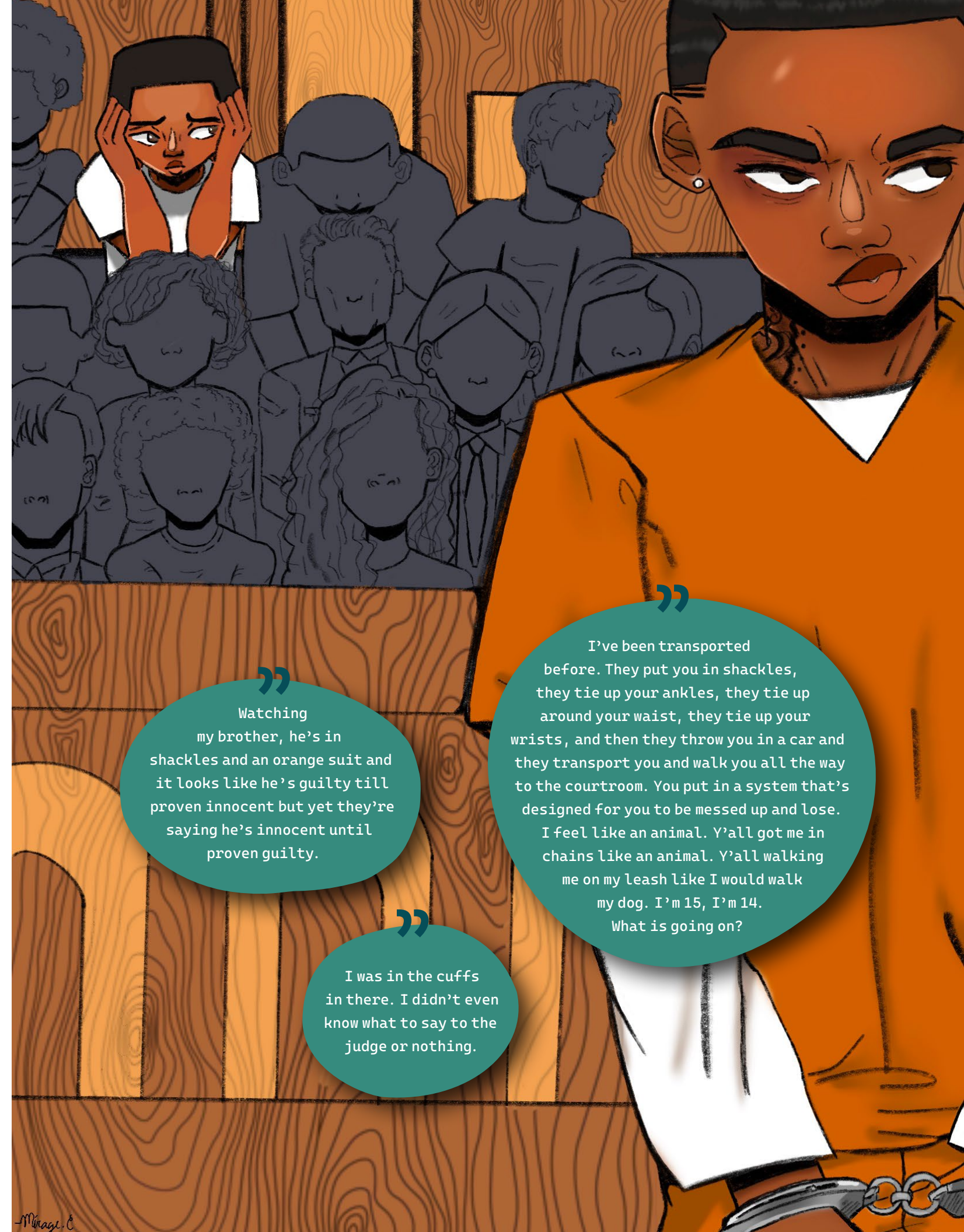
Who was with you? Who was with you when you were in that courtroom when you were restrained?

ANSWER

“Yeah, cuffs. I think when you go to court they do your legs too. I think my hands and my feet was cuffed.

Yup.

My attorney.



Watching my brother, he's in shackles and an orange suit and it looks like he's guilty till proven innocent but yet they're saying he's innocent until proven guilty.

I was in the cuffs in there. I didn't even know what to say to the judge or nothing.

I've been transported before. They put you in shackles, they tie up your ankles, they tie up around your waist, they tie up your wrists, and then they throw you in a car and they transport you and walk you all the way to the courtroom. You put in a system that's designed for you to be messed up and lose. I feel like an animal. Y'all got me in chains like an animal. Y'all walking me on my leash like I would walk my dog. I'm 15, I'm 14. What is going on?

Young people strongly expressed their opposition to indiscriminate shackling of youth in court. They shared how shackling is painful, dehumanizing, and traumatic, and harms their identity and development. When shackled, a young person’s focus is on the shackles on their wrists, waist, and ankles, and not the court proceedings before them. The presumption of innocence is lost when a young person appears in a courtroom in shackles.

More than 15 years ago, the U.S. Supreme Court found that absent compelling safety reasons, adults have a right to not be shackled at trial.²² And nationwide, the movement to prohibit the indiscriminate shackling of children has grown, including legislation passed in 2025 in Virginia and Missouri.²³ Today, only 10 states permit the indiscriminate shackling of young people in juvenile court.

Shackling does not create safer courtrooms or better outcomes for young people. Instead, shackles exacerbate trauma and impede communication.²⁴ Additionally, as practice varies widely by jurisdiction, without “clear statewide laws or rules with mechanisms for compliance, young people will continue to experience justice by geography.”²⁵

The State of Kansas must ensure that the youth defense delivery system includes support for youth defenders to engage in policy initiatives to end practices like the indiscriminate shackling of youth. Youth defenders in Kansas must understand the harms of shackling and move to have shackles removed in every courtroom setting.²⁶ Decisionmakers across Kansas should join the majority of states in this nation that have adopted statewide laws or supreme court rules outlawing the practice of indiscriminate shackling of young people.²⁷

KANSAS YOUTH
RECOMMENDATIONS

BEST PRACTICE
RECOMMENDATIONS

The presumption of innocence is lost when a young person appears in a courtroom in shackles.

Youth defenders in Kansas must understand the harms of shackling and move to have shackles removed in every courtroom setting.

05

CASE PREPARATION
AND
INVESTIGATION

EVIDENCE

While the rules of discovery govern what the state must disclose to the defense, there is much more to understanding the full picture of a case beyond what the police or prosecution may be required to provide. Defense attorneys have an independent obligation to conduct their own investigation in every case.²⁸

2020 ASSESSMENT FINDINGS

[T]he vast majority of defenders reported that they had “never” used investigators in the past year. Several judges recognized the negative impact this has on delinquency cases, noting there is “always a failure to conduct investigation” and often “a failure to get the right witness when there is a trial set.”²⁹ Some defenders may be responding to political pressure to not ask for additional money [for investigation]. “[The defenders’] names go off of the appointment list if they spend too much money or cause problems.”³⁰ Without investigating the case or pursuing all available discovery from the government, defenders are unable to effectively advise clients about plea offers or taking the case to trial.³¹

[I]nterviews conducted for this assessment revealed that, while open discovery practices ease the flow of case information between county attorneys and defense counsel, defenders rarely engage in meaningful case preparation activities, conduct outside investigation, or seek to hire experts who could assist in their young clients’ cases.³²

When asked about case preparation, young people shared:

”

No, it feels like all they want you to do is just take a plea deal. And like, they assume you're guilty and they're supposed to be helping you. They're supposed to believe you're not guilty. But it's like they just assume you're guilty and like, just want to shove it down your throat and get it over with as soon as possible.

”

You go to trial, you win, you're on the good end. You lose, you're looking at the rest of your time because you just made these people pay all this money for this trial. So a judge gonna get mad. Cause you just wasted his time and he already know you guilty. Bang, up the road you go.

QUESTION

Did they show you documents or talk about evidence or other things the prosecutor was planning to use against you in court?

Did they show you any of the documentation or evidence or the things that the prosecutor was planning to hold against you in court?

ANSWER

“No. I don’t remember.

“No, they say if you look at that, if you look at your preliminary stuff, that takes the plea off the table. So for me to see all the evidence that y’all have against me revokes the plea arrangement. So just cause I see the evidence, now I gotta go to trial. I don’t know, that’s crazy to me. Yeah, but that’s the way the system is.

ANSWER

Nah, just having a felony at a young age, they for sure don’t tell you how that’s going to impact your life. Then come to find out, like, that’s their job. I think I would have fought a little bit harder, you know, and reevaluated how I would have approached the situation, had I knew the severity of it.

I mean, even someone having at least the time to actually go through my case with me. I mean, every experience I even had with my attorney, pretty much, was literally like five, ten minutes right before we went into the hearing. So like, at least even having someone there to review my case, review the information, review all the stuff that could have probably changed the outcome of my case, or at least the outcome of my sentencing. But instead, I feel like I was just left to hang. And honestly, I don’t know how to really change that besides having an attorney that actually is knowledgeable in general issues. I think that communication part how was it just receiving that plea deal and not really knowing what this means.

QUESTION

Did they give you any idea about how your case might impact other parts of your life, like your school or your job or even access to housing?

What would a defense look like that would have benefited you? What would you say that looks like if you can imagine what would a just defense lawyer look like or should have done for you in that situation?

KANSAS YOUTH
RECOMMENDATIONS

Young people want to see the evidence against them as they decide what next steps to take in their case. Young people will not trust their attorney, the process, or the court system in general if they feel like they are being forced to plead guilty without seeing the evidence the state has against them. Young people want a youth defender who investigates their case and counsels them on the best path forward.

BEST PRACTICE
RECOMMENDATIONS

Young people should understand the entire universe of options and potential outcomes in their case so they can make an informed decision on the next steps to take. In the absence of youth defenders conducting independent investigations, testing the evidence, and hiring and using experts, young people are denied access to the effective assistance of counsel and are foreclosed from the ability to make informed decisions.³³

The State of Kansas must ensure that a youth defense delivery system is an independent entity from the judiciary, prosecution, or probation, providing safeguards for youth defenders to freely and independently hire investigators and experts and to test the evidence without fear of retaliation or cancelation of their youth defense contracts.³⁴ Compliance with these hallmarks of effective assistance of counsel must become the norm and not the exception.³⁵

Young people want a youth defender who investigates their case and counsels them on the best path forward.

The State of Kansas must ensure that a youth defense delivery system is an independent entity from the judiciary, prosecution, or probation.



22:05



Chat



People



Raise



React



View



Apps



More



Camera



Mic



Share



Le



Prosecutor



Probation Officer

06

EXPERIENCING
THE
COURTROOM



22:05



Chat



People



Raise



React



View



Apps



More



Camera



Mic



Share



Le

Every person accused of a crime has a constitutional right to be present at their hearings.³⁶ Counsel should use age-appropriate language with youth clients to ensure they are fully informed and proactive participants in their representation.³⁷ Defenders have a responsibility to develop effective strategies for communicating with their young clients long before they meet them outside the courtroom door.³⁸

2020 ASSESSMENT FINDINGS

With few exceptions, all types of [court personnel], including defenders, prosecutors, judges, and probation officers, reported that defense attorneys “do most of their work in the hallways of the courthouse.” Judges, court administrators, and probation officers reported receiving complaints from youth and families about this lack of communication and the practice of meeting with the defense attorneys just before going into a court hearing.³⁹

The use of video or other remote technology, particularly in detention hearings involving youth, can be fraught with challenges that affect youth behavior and comprehension and the attorney-client relationship.⁴⁰ In one county visited for this assessment, a young person’s constitutional right to be present at their hearing seemed to be entirely ignored or forgotten. . . . No waiver of the youth’s right to be present, either in person or virtually, was noted. . . . Regardless of the reason, decisions about youth liberty, at least in this county, appeared to be made without the youth at all.⁴¹

When asked about experiencing the courtroom, young people shared:

”

I felt like it was just double standard, a lot of terminology didn't make sense, especially for a young child. I feel like they just get you prepared to be in and out of the system for the rest of your life, the way it's set up.

”

As an older youth, I was never in a courtroom. I was actually virtual. And my lawyer wasn't very helpful. My court-appointed lawyer was not very helpful at all. That man would only meet with me at court time, so not even, you know, before then. And that's very frustrating because lawyers, their job is to interpret the verbiage of laws and communicate that with people who do not interpret the verbiage of laws. And that's not something that he was doing. So I wasn't even understanding what the judge was saying.

QUESTION

Do you remember anything about your attorney?

ANSWER

“No.

Did you understand what the judge was saying when he was speaking to you?

Yeah, I just didn’t know that I couldn’t talk. So he told me not to say nothing else.

And so you understood why you were in that courtroom and you understood what they wanted to do with you afterwards?

No, I didn’t understand. I understood why I was in there though. I didn’t know what they was doing, what they was going to do.

ANSWER

No, we always met on Zoom and I know that the facilitator to Zoom was the judge. So it never really felt private to me.

QUESTION

Did your court-appointed attorney meet with you in a confidential and private space or a room without guards, probation staff, police, or other court or facility employees?

”
I know you gotta be serious. You gotta come in there, know what you’re talking about. It’s like a business. It’s like having a business or owning a business. You gotta know what to say, know what not to say, know how to be presentable, know how to look, know when to talk, know when to speak, know when to raise your hand, know when to stand. You gotta know how to be the right person for the prime proper example when heading to or attending or approaching court. Cause if not, you can wind up getting yourself in trouble and then you gotta go sit down and go do some time because you couldn’t do right in the court of law.

”
I wasn’t in the courtroom. I was virtual. The other people I was on virtual with, some of them, I guess people were driving or running errands, you know?

**KANSAS YOUTH
RECOMMENDATIONS**

Experiencing the courtroom is unlike anything young people have encountered in their lives. Young people want their youth defender to help them prepare for the courtroom and navigate the nuances of what to wear, where to sit, what to say, and how to respond to different court personnel. Young people also want to understand the implications of appearing virtually versus appearing in person for court proceedings.

**BEST PRACTICE
RECOMMENDATIONS**

Effective representation of young people includes not only advocacy by specialized youth defenders in the courtroom but also preparation outside the courtroom.⁴² Kansas must ensure that a statewide youth defense system provides regular training, support, and resources for youth defenders to equip them with the ability to advocate for their clients' expressed interests and help inform young people of their due process rights and options before they enter the courtroom.⁴³

Further, providing sufficient training, oversight, and support to youth defenders across the state of Kansas will help guide best practices, such as ensuring that a young person's presence in the courtroom is not waived without their full understanding of the nuances of appearing virtually versus appearing in person.⁴⁴

Young people want their youth defender to help them prepare for the courtroom and navigate the nuances of what to wear, where to sit, what to say.

Providing sufficient training, oversight, and support to youth defenders across the state of Kansas will help guide best practices.

07

ADJUDICATION
AND
PLEA HEARINGS

A [youth] defender must zealously advocate for the expressed interests of their client.⁴⁵

The fact that a client is a young person heightens defenders' ethical mandate to ensure clients understand the process and make informed decisions.⁴⁶ Although an attorney's job is to advise and counsel, the ultimate decision must be the client's as to whether to accept a plea offer or proceed to trial, and that choice must be respected.⁴⁷

2020 ASSESSMENT FINDINGS

Defense counsel must work with their clients to understand their goals and expectations prior to engaging in plea discussions and must convey any offers made by the prosecution, just as in an adult case.⁴⁸

In several plea hearings, it appeared to court observers that there had been little or no communication between the defender and their client before the hearing.⁴⁹ [Many youth defenders] seemed to be unfamiliar with the numerous ways juvenile court can harm young

people's education, family, housing, and employment options.⁵⁰

Both judges and prosecutors interviewed for this assessment commented on how few juvenile delinquency cases go to trial and expressed beliefs that youth would see better outcomes if more cases were taken to trial. One prosecutor said, "I am surprised that defenders don't ask for more jury trials. Jury trials in juvenile matters are very hard for the state to win." A judge said they had "presided over six trials and reached six not guilty verdicts" during their two years on the bench.⁵¹

With the large number of juvenile cases that end in an admission or guilty plea, it is essential for defenders to have the time, resources, and training to assist youth in understanding the charges against them, what they are admitting to, the results of an admission, and the lasting harm of a juvenile adjudication.⁵²

When asked about adjudication & plea hearings, young people shared:

”

I feel like my court appointed attorney was the worst possible thing that I could have been given. In my experience with him, I felt like he was just shoving the plea down my throat. I understand he had multiple caseloads at that time. But to me it felt like he was just ready to get the case over with, done, just wanted to plead me out. I did later find out that he was not even a youth defense attorney, he was a tax attorney.

”

I don't understand these big words. I feel like a plea bargain, plea deal, what's the plea part? What comes into that? Why is it a deal? Why are plea and bargain and plea and deal put together and what does that mean?

QUESTION

Were you able to tell them about some of the things that worried you or you didn't understand?

Did your court-appointed attorney speak up and advocate for you?

ANSWER

You know, it was hard to do. In this situation, he came minutes prior, minutes before it was time to go to court. So, I don't know, it's not like you have your set of questions, but it's also like, you don't even know what to ask, you know. Like I said, I think the most important part is, can I go home? That's probably the only question I really had in my brain. Like, how can I get out of here? Talk to me about that, you know. But, a lot of that jargon was new. What's a plea, what's a defendant, what do I mean to concurrently and consecutive, and what happens today? Ain't even my sentencing day, that's a whole nother day court date, you know, I think somebody should for sure be in there with you but also, you know, walk through that process with you to get the best results because I don't feel like that's a thing.

Nah, no. To put it simply, they ain't do they job. It just felt like I was just told what to do regardless if I understood it or not. But, you know, they still ask you. Or the judge asks you, do you understand, but you know, your lawyer tells you just say yes to everything, whether you understand or not. I just feel like they was really there advocating, no one, family or court appointed attorney, nobody.

”

My court-appointed attorney definitely wanted me to plead guilty and I was telling him, like, the officer had no information, he just said that he used his senses to identify an issue. He even searched me without a warrant. The attorney said that didn't matter. He told me being searched without a warrant doesn't matter. And if you're not Mirandized, it doesn't matter.

”

”

I'm here by myself. I just met this lawyer in the hallway ten minutes ago and he gave me an option, like, take this or you're gonna be sitting for another two months. So, I don't know, that's a tough pill to swallow.

”

”

Communicate with the youth you are defending. That's what you're supposed to be doing. You're supposed to be defending me. Your job is to defend me and to interpret the language of the law to somebody who is not a lawyer. Your job as a court-appointed attorney is to help me make the best choice out of all the choices, not just push the choice you want me to go with.

”

”

I can't really say that anyone's really sentimental, caring for what anyone's going through in the courtroom. It feels more like, all right, this is my job. This is what I'm trying to do. I'm trying to hurry up and get out of here so I can go eat lunch or go home. So do what I tell you to do and let's get it over with.

”

KANSAS YOUTH
RECOMMENDATIONS

Young people want to understand the difference between trial and plea and want their lawyer to take the time to explain their options in a way that helps them make an informed decision. Young people want adequate time and space to be able to hear and think through the choice of trial versus plea with their attorney and discuss their choice with trusted adults.

BEST PRACTICE
RECOMMENDATIONS

Statewide youth defense delivery systems are critical in protecting young people’s due process rights at the adjudication/trial and plea phase of the juvenile court process.⁵³ An effective youth defense delivery systems is essential to ensuring that young people have lawyers who help them understand that an admission of guilt is also a “waiver of fundamental trial rights” and that their admission comes with a range of collateral consequences.⁵⁴

The creation of a statewide youth defense system in Kansas will ensure that before a young person admits to allegations, they have a specialized youth defender who explains the plea and adjudication process in developmentally appropriate terms.⁵⁵

Further, young people must be fully advised as to their right to challenge the state’s case by going to trial.⁵⁶ Regularly challenging the sufficiency of the evidence, testing the state’s case, and advocating for a young person’s expressed and informed interest to litigate the issues in dispute in a bench or jury trial are essential to upholding fairness in the system. The creation of a statewide youth defense delivery system supports the regular testing of the state’s case through resources, support, training, and independence.⁵⁷

Young people want clear explanations and time to think through the choice of trial versus plea with their attorney and trusted adults.

A statewide youth defense system ensures young people have specialized defenders who explain plea and trial rights clearly, protect due process, and regularly challenge the state’s case to uphold fairness.



08

DISPOSITION⁵⁸
(SENTENCING)
AND
POST-DISPOSITION

Disposition planning should begin at the first meeting between defender and client. Good disposition planning can result in client-driven outcomes, stronger advocacy, and better-informed plea negotiations. The attorney should also be aware of all of the possible disposition options and identify the least restrictive options to discuss with the child. To do this satisfactorily, the attorney must be familiar with the client's history, current goals and options, available programs, alternatives to placement, and the collateral consequences of adjudication.⁵⁹

2020 ASSESSMENT FINDINGS

The vast majority of stakeholders interviewed across the counties said that defenders do not regularly challenge the dispositional plan recommended by probation or the county attorney. Only a handful of stakeholders in a few of the counties said they see defenders regularly offering client-driven disposition plans.⁶⁰

Improving defender advocacy and ensuring young people's voices are heard at disposition hearings will increase the effectiveness of dispositions ordered by the juvenile court, as youth "who experience respectful and fair legal decision-making procedures are more likely to believe in the legitimacy of the law."⁶¹

In Kansas, almost all juvenile court and law enforcement records are open to the public, creating barriers to opportunities for employment, housing, and higher education. Expungement, where possible, is critical in helping young people avoid long-term life consequences related to their juvenile court involvement. In Kansas, an expunged case is treated as though it never occurred for most purposes, the young person can properly reply that they have no record, and few people can access the records.⁶²

When asked about sentencing and post-sentencing, young people shared:

”

Being so young, you don't really have a complete grasp of who you are or of your identity itself. When you get in trouble with people who already look down upon you and want to make you feel like a criminal and want to beat you down and don't really want to help you at all, it absolutely, for me anyway, changed how I felt about myself, yes it did. And I'm still to this day undoing some of the things them people were bringing up to me and trying to force on me. As far as my own self-esteem, my own self-worth, my own self-image. Like I said, I am not a criminal and I am not a bad person. But probation officers, court appointed attorneys, judges, even the people facilitating the classes you gotta take, they make you feel that you are.

”

But also, just recalling an entire period of time, all my youth years, not just a specific set of my youth years. And in every incident that I've been involved in was impactful, especially to the way that I look at the way my own government treats me, my own society treats me.

QUESTION

Did he give you any idea about how your case might impact other parts of your life, like your school, your job, or maybe your immigration status?

ANSWER

No, I kind of just feel like if you got any trouble with the law, you at that point can't have a good job. You can't get a good career. You might not even get accepted into schools and stuff. And I didn't really do anything that was too wrong. And it was only my first time being in trouble with the law. But it absolutely made me feel like I was a criminal. And I'm not. Made me feel like a bad person and I'm not.

Do you feel like you had support while you was going to court?

Yes, I did. I did. Yes, indeed. Most definitely.★

From who?

I'd say mom, my father, family, my great grandma, my grandmas. They have my back.★

What about your youth defender? How was that experience?

It was a 10 out of 10.★

Young people want to know that when they make mistakes — even big ones — they are not defined by those mistakes. Young people want to have a second chance, an opportunity to grow and thrive, and want to hear that they are loved and that they matter. And, when young people do make a mistake, they want to feel supported as they begin their journey of repair and accountability.

KANSAS YOUTH
RECOMMENDATIONS

The statewide youth defense delivery system in Kansas must ensure that youth defenders have the resources and tools available to create a strengths-based, client-centered dispositional plan in collaboration with their client. From the moment a youth defender is assigned to a young person's case, they should be working with investigators, mitigation specialists, the young person, and their family to identify and highlight each young person's strengths, supports, and goals for the future.

BEST PRACTICE
RECOMMENDATIONS

A youth defender must understand and investigate the community-based options available to the young person and work to identify alternatives to incarceration.⁶³ Additionally, youth defenders must establish relationships with community-based organizations that can support a young person's ability to thrive and grow; promoting their healthy development and wellbeing.⁶⁴

Finally, youth defenders must continue to represent young people in post-disposition proceedings, until a young person is no longer under state supervision.⁶⁵ Providing consistent representation through the probation, appellate, and expungement processes are essential to ensuring a young person's constitutional rights are upheld and protected, and that a young person can continue to learn, grow, and thrive.

09

COSTS
AND
FEES

Across the country, juvenile courts routinely impose financial obligations on youth and families in delinquency matters, “including appointment of counsel fees, bail, diversion and treatment program fees, community supervision and placement fees, court costs, and restitution, frequently without consideration for each individual youth’s ability to pay.”⁶⁶

2020 ASSESSMENT FINDINGS

The imposition of these financial obligations, especially on youth and families unable to pay, “can result in serious and long-term consequences . . . including further penetration into the juvenile [legal] system, increased recidivism, difficulty engaging in education and employment opportunities, [and] civil judgements.” Families burdened by these obligations may face a difficult choice, either paying juvenile justice debts or paying for food, clothing, shelter, or other necessities.⁶⁷

Despite inconsistent practices related to ability-to-pay determinations, the majority of stakeholders across sites reported that defenders regularly argued for the reduction or complete waiver of discretionary fees and costs, recognizing the burden it placed on families. However, stakeholders in a few of the counties visited reported that defenders rarely, if ever, advocate for their young clients on the issue of fees. . . . Consistent, diligent, and zealous defense advocacy is critical to limiting the immense burden court costs can impose on youth and families.⁶⁸

When asked about costs and fees, young people shared:

”

People still got to go to school, right? You're not gonna be able to pay that even if you're getting paid biweekly. You're still not gonna be able to afford that regardless of what it is. If you don't pay the fines and fees, you get sent to jail and then later prison, right? And then you're forced to work for pennies on the dollar, which you end up spending back in the prison. So you're not really making any money. It's like, you either pay them or you're a slave. That's, that's the scary part.

Either pay or you're a slave.

”

I felt like I was in the wrong for doing what I did because it cost my family money. It cost my mom money, my dad money. It cost me not being able to have money in my hand or in my pocket or doing something with it because I did something I wasn't supposed to do or I shouldn't have done.

”
Fines and fees kind of made me think, like, I gotta go get this money. I should have been in school focusing on my work, and I was thinking about ‘I need to go pay this.’ It’s like, dang, I need to come up with this money some kind of way, and that shifts your way of thinking to where now I got to make fast money when I should have been focusing on getting through my finals or something.

”
I feel like it’s playing monopoly already in debt. And it’s a struggle.

”
I paid. I had to work a lot. I took all the hours I could over the summer to pay for it. Cutting grass. I had to cut like 24 yards. I was so mad, all that work, all that money could have went in my pocket.

”
The thing about probation was that you can’t get off until you pay these fees. You gotta pay just to be on probation. That’s crazy to me.

”
I had to take a class and I had to add 12 months probation. The class was really inconvenient because I worked and I didn’t want to sacrifice work for a class that I also had to pay for. By the way, ain’t no way I’m a sacrifice work, the money I need to make, to pay for the class. That was really impeding my progress as far as probation goes. But I ended up getting off probation early because my grandma would pay my fines and fees. She was able to afford it. I wasn’t. But she wanted her money back as soon as possible, which, like I said, I wasn’t able to afford. So they put a strain on an already strained relationship.

”
As soon as you get off probation, you pay their probation fee. It’s like, hold on, I did my time, I just don’t got enough money to pay you.

”
I paid. I didn’t make my mama pay because I did it.

Young people expressed their frustration with the impossible choice of either attending school or finding employment to pay their fines and fees. Young people should not face incarceration for non-payment of fines and fees. Young people do not want to burden their parents and loved ones with fines and fees or the cost of an attorney.

KANSAS YOUTH
RECOMMENDATIONS

Fines and fees levied against young people do not make communities safer or reduce recidivism.⁶⁹ Unpaid fines and fees are a barrier for young people and their families as they attempt to complete diversion or probation, seek record expungement, obtain employment, and pursue education opportunities.⁷⁰ And, practically speaking, many young people are unable to pay fines and fees because of their age, compulsory school education, or lack of transportation.⁷¹ Finally, where youth and families do not have the ability to pay for counsel, a young person may feel pressured or coerced to plead guilty so that their family does not have additional fines taxed against them.⁷²

BEST PRACTICE
RECOMMENDATIONS

A statewide youth defense delivery system in Kansas must ensure that every young person charged with a delinquency petition is deemed indigent and eligible for a free-of-charge youth defender, without considering the income of their parents.⁷³ Young people should have access to qualified youth defenders regardless of their ability to pay.⁷⁴ Additionally, a statewide youth defense system must train youth defenders to understand the harms of fines and fees and move to have costs waived for every young person, or at a minimum for an ability-to-pay determination made for every young person.

Further, the state of Kansas must make diversion and probation programming free of cost to young people and their families.⁷⁵ Finally, the state must weigh the impact to young people and their families of collecting fines and fees with the fiscal benefit.⁷⁶



**RACIAL JUSTICE
ADVOCACY**

Racial inequities permeate juvenile legal systems across the United States.⁷⁷ Racial disparity in Kansas begins as early as a youth's first contact with the school system and continues through each step of the juvenile [legal] system.⁷⁸

2020 ASSESSMENT FINDINGS

Disparate racial treatment begins as early as preschool in Kansas. During the 2013–2014 school year, Black students represented 5.9 percent of preschool enrollment but 29.4 percent of students who received out-of-school suspensions, a disparity ratio 44 percent higher than the United States as a whole. That disparate treatment continues throughout Kansas students' school careers. In K–12 schools, 2.8 percent of white students received out-of-school suspensions, compared to 14 percent of Black students. Black students account for seven percent of students in Kansas, but more than 20 percent of school-related arrests.⁷⁹

Even as the number of arrests of youth is dropping considerably in Kansas, racial disparities are

increasing. Between 2008 and 2013, arrests of youth in Kansas' eight largest counties decreased by 56 percent. During a similar time period, between 2006 and 2013, the disparity rate for Black youth arrests dropped 21 percent nationally but increased 51 percent in Kansas.⁸⁰

Disparate racial treatment continues throughout every stage of the juvenile court process in Kansas. Indigenous youth are 98 percent more likely to be referred to court than white youth. Black and [latine] Kansas youth are about 75 percent more likely to be detained than white youth, compared to a national disparity rate of approximately 30 percent. Nationally, Black youth are found delinquent at a similar rate to white youth, but in Kansas, Black and [latine] youth are 20 percent more likely to be adjudicated delinquent than white youth.⁸¹

Advocacy for equitable treatment is an essential part of the role of [youth] defenders. Defenders have a duty to educate themselves about the special needs of the populations they serve, and to confront their own biases and those inherent in the justice system. Defenders must recognize their own vulnerability “to the negative effects of implicit bias as they practice in a paternalistic system that is easily manipulated by perceptions of race and class,” and provide “loyal, client directed legal advocacy” to safeguard against the harms caused by the effects of racial injustice in the juvenile [legal] system.⁸²

Young people shared some of their experiences and perspectives on race in the juvenile legal system:

”

I feel like the system tries to make you feel like you're evil and a bad person. But really, you're not even evil, you're just misguided, if anything. And sometimes not even misguided, uh, misunderstanding. Or, sometimes just the color of your skin. Whereas a Black person and a white person do the same crime, a Black person is punished harder, so it kind of just makes me feel like, alright, because I'm Black, if my friend who's white does the same thing, I don't know when that's going to be punished harder.

”

I'm Black in America. You feel me?
Being black in America is already a crime. So, as far as help in the legal system, when you go to court, the only thing you get is they tell you to get a lawyer. You know what I'm saying? You try to go to somebody with more knowledgeable information than the regular – smegular individual because ain't no help. Even them, even they be working with each other and against you.
So, I don't know. I ain't see no help.
I ain't get no help.

I feel like the judge, the court-appointed attorney, the PO should have taken the time to know about who I am and my character. And those things may or may not have made them treat me different. Why do I say may have? Because of what I was doing with myself. I'm literally in school, and I work, and all I'm doing is trying to go home. Why would it not have made a difference? Because I'm Black, and I'm young, and I live in America. They don't really care about what I have going on. I don't have no rich, white family member who's the leader of a council. I'm just an average citizen in America who they want their money from.

Young people want the juvenile legal system to be fair, regardless of their race or ethnicity. When racial disparities exist in the determinations made by court personnel, young people's trust in the system is broken.

KANSAS YOUTH RECOMMENDATIONS

The Kansas statewide youth defense delivery system must provide the funding and support for advocacy against the harms that young people in Kansas experience as a result of their race and ethnicity.⁸³ A statewide youth defense system can provide regular training on understanding the inequities that exist in the juvenile legal system.⁸⁴ Training topics can include understanding the structural barriers that may impede a young person's healthy development, internal and external biases and how they impact decision-making, the importance of community engagement, constitutional rights of youth, and ways to utilize decision-making tools in a fair and equitable manner.⁸⁵

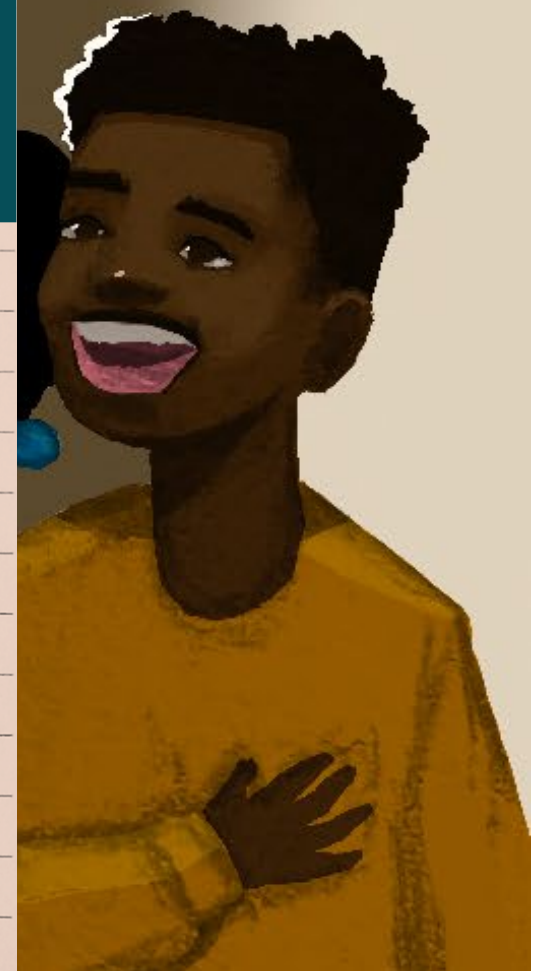
Protecting each young person's "constitutional promise to equal treatment and fair process must be deeply interwoven within the core functions of youth defense and backed by an infrastructure that prioritizes the elimination of racial and ethnic disparities in the juvenile legal system."⁸⁶

BEST PRACTICE RECOMMENDATIONS



11

ADDITIONAL
PERSPECTIVES
FROM KANSAS
YOUTH



An illustration spanning two pages. On page 76, a man with dark skin and braided hair is shown in profile, smiling. On page 77, he is holding a large, brown cardboard box. A woman with dark skin and long braids is on the left, looking at the box. A young boy with dark skin and short hair is on the right, also looking at the box and smiling. The background is a soft, out-of-focus indoor setting.

Despite decades of research clarifying effective responses to youth behavior, the juvenile court system continues to impose expectations, sanctions, conditions, and restraints on young people that do not align with what we know works. And what is remarkable is that when you ask young people what would help them, their expressed interests are in line with what the research shows leads to their success, healing, accountability, and growth. Young people should have “time for and access to activities, environments, and people that will help them grow to become thriving adults.”⁸⁷

The following sections offer additional reflections from young people on what we can do to support healthy and safe futures for everyone.

WHAT DOES REAL HELP LOOK LIKE?

When asked “what does real help look like?” young people shared:

”

I can tell you what I’ve been doing these days to help myself heal from the things I went through growing up. I have gone through different rounds of individual therapy and group therapy. I get involved in my community and organizations that reach out to youth and that support youth and that help youth. As far as being in that situation right then, I feel like anybody who knew of an organization of Black people specifically because I am a Black youth, knew of an organization of Black people who could have helped me in that time as far as, I needed somewhere to be that wasn’t around the person who was abusing me. I probably needed a better school. And just different resources to help me uplift myself and take care of myself. So I wouldn’t have to be put back there. That’s what would have helped me in that time.

”

[Cure Violence], they help you a lot, like they give you opportunities to do more stuff and, you know, be a better person. Like, they help you with going to job interviews. They give you transportation to school. They take us to do stuff on the weekends. So they really make sure that we have something to do instead of being in the streets. You know, making it better for us.

”

I think mentorship is important. Growing up, there really wasn’t too many role models or figures that I would have turned to. Kind of had to really look hard to find some of those support systems. I think that I was kind of blessed to start to receive some of them, but at an early age. Those were on-existent. Just so now, more recently, being able to have access to those resources and mentors and, you know, people that’s willing to guide you. But, for a long time, I didn’t know what that was.



Young people involved in the juvenile legal system recognize the importance of access to mentors and support in their own communities. They are asking for guidance, advice, and insight from adults who take the time to understand their situation and stand with them as they navigate the complexities of adolescence and the juvenile legal system. And young people need and have a right to youth defenders who see their current and future potential and advocate for critical community supports at every court hearing.

KANSAS YOUTH RECOMMENDATIONS

GOALS AND HOPES FOR THE FUTURE

When asked about their hopes and goals for the future, young people shared:

”

I really want to, especially right now, focus on healing from some of the things that I've experienced. I absolutely want to be a part of any and every organization that wants to change the youth justice system, to change the way that youth are looked at by these legal officials, and I might even go to law school.

”

Honestly, my future just looks like continuing building my self-reliance, independence, and traveling the world soon.

”

In the next six to 12 months? I'm starting school, so hopefully I'll be able to start somewhere as a pharmacy technician. That's what I'm going to school for. It's a nine-month course, so in the next three to four months, I should be able to start working as a pharmacy technician because I got a certain amount of hours to cover for it. And then I'll see myself starting my own clothing brand. Probably going to get into some trucking. I want to know welding, electrician. I want to do hvac. I really want to do everything. Just because if something was to happen that was a big catastrophe, I'll be the guy that everybody need.

”

I just want true peace and happiness for real, for real. Divine wisdom and knowledge.

”

I would say I would like to be working again. I'm really going to probably be in college. Be in college and working, see how college go. If I like it, I'm going to stay, if I don't like it, I might still stay just two years or something. I ain't going to do the whole four years, but I'm really going to go.

”

That I keep doing what I'm doing, which is staying in shape, staying focused, doing what I've gotta do throughout the week, taking care of myself. Try not to spend more money than I earn and spend less than I earn. To see myself doing something good to where I could become a businessman, move out of town, that's the dream.

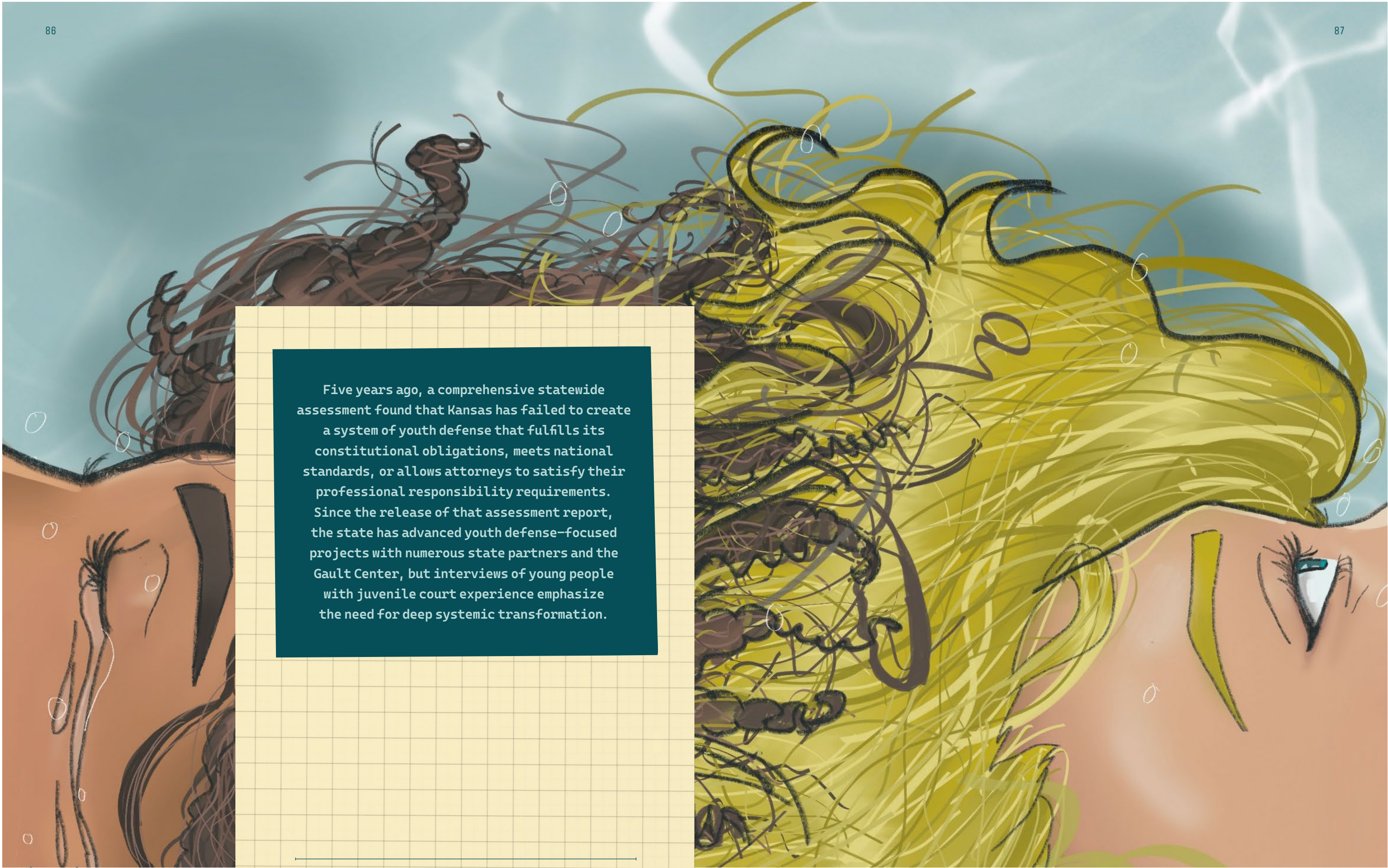


Kansas youth involved in the juvenile legal system have dreams, hopes, and goals for their future like any other young person in Kansas and across the country. Young people, like all of us, want to feel good about who they are, to heal from the trauma they have experienced, and opportunities for education and employment. They want the opportunity to dream big for their future, and the juvenile court plays a critical role in both the barriers and bridges it creates in their lives.

KANSAS YOUTH RECOMMENDATIONS

12

**FINAL
REFLECTIONS**



Five years ago, a comprehensive statewide assessment found that Kansas has failed to create a system of youth defense that fulfills its constitutional obligations, meets national standards, or allows attorneys to satisfy their professional responsibility requirements. Since the release of that assessment report, the state has advanced youth defense-focused projects with numerous state partners and the Gault Center, but interviews of young people with juvenile court experience emphasize the need for deep systemic transformation.

FINAL REFLECTIONS

Kansas youth continue to experience life-altering juvenile court involvement without the benefits of a specialized youth defender by their side. Without that critical, constitutionally mandated, expressed-interest advocacy, young people are not receiving the information they need to make informed decisions as they navigate the legal system; they are physically and emotionally harmed by shackles, burdened by fees and costs, and losing faith in the fairness of the legal system; and court involvement is interrupting their adolescence and threatening their futures.

Kansas must fulfill its constitutional obligation to create and fund a statewide youth defense delivery system that provides adequate support and training to ensure specialized youth defenders for all Kansas youth. The urgency of the moment is clear.

The Gault Center is grateful to each young person who shared their experiences and perspectives, offering threads of wisdom, pain, growth, reflection, and hope. Young people who participated in this project want the system to understand one thing: they deserve to be truly seen, heard, and advocated for. They are not their charges or case files — they are individuals with stories, struggles, and potential. They need attorneys who listen, fight for them, and recognize their strengths, gifts, and dreams. If the juvenile legal system truly seeks fairness, it must start by valuing the voices of those directly impacted. Kansas youth are asking the state to fulfill its constitutional duty to ensure that young people have access to specialized youth defenders who have the support, training, and skills to effectively advocate for their rights and futures.

Kansas youth continue to experience life-altering juvenile court involvement without the benefits of a specialized youth defender by their side.

The urgency of the moment is clear.

Kansas must create and fund a statewide youth defense delivery system that ensures access to specialized youth defenders for young people.

FOOTNOTES

1 NAT’L JUV. DEF. CTR., **LIMITED JUSTICE: AN ASSESSMENT OF ACCESS TO AND QUALITY OF JUVENILE DEFENSE COUNSEL IN KANSAS** (2020) [hereinafter KANSAS ASSESSMENT].

2 *Id.* at 7.

3 *Id.* at 52.

4 *Id.* at 15.

5 In 2022, the Gault Center **evolved** from the National Juvenile Defender Center to the Gault Center in recognition of the stigma and harm associated with the word “juvenile” when referencing young people and the lawyers who defend them. We encourage system professionals to replace the word “juvenile” with strengths-based or neutral terms, such as youth or young person when referring to individuals and their advocates.

6 **KANSAS ASSESSMENT**, *supra* note 1, at 8.

7 *Id.* at 16.

8 As part of the Lived Experience Project, TerraLuna worked with Dominique Morgan and Racquel Henderson to develop Discovering Your Power, a program designed for young people who have been impacted by the juvenile legal system to unpack their experiences in a way that centers their power and builds community. See Lived Experience Project, *Discovering Your Power*, <https://discoverlexproject.org/discovering-your-power/> (last visited June 4, 2025); Lived Experience Project, *System Facilitation*, <https://discoverlexproject.org/system-facilitation/> (last visited June 4, 2025).

9 MULLBERRY ART GALLERY, <https://www.mulberrygallery.com/> (last accessed June 5, 2025).

10 **KANSAS ASSESSMENT**, *supra* note 1, at 31.

11 *Id.*

12 See KAN. R. PROF. CONDUCT 1.2, 1.3, 1.4, 1.6, 2.1 (2020); NAT’L JUV. DEF. CTR., **NATIONAL JUVENILE DEFENSE STANDARDS** (2012); see also *In re Gault*, 387 U.S. 1 (1967).

13 THE GAULT CTR., **NATIONAL YOUTH DEFENSE SYSTEM STANDARDS** 1.1 (2024); see also, **U.S. Statement of Interest**, N.P. v. Georgia, No 2014-CV-241025 at 11 (Ga. Super. Ct. Fulton Cnty. 2015) (“The right to counsel means more than just a lawyer in name only.”).

14 **NATIONAL YOUTH DEFENSE SYSTEM STANDARDS**, *Supra* note 13, at 1.1 (“Rather, the absence of well-funded statewide structures to support a dedicated corps of specialized youth defense attorneys signals a deliberate indifference of governmental authorities, resulting in the

deprivation of young people’s full and meaningful access to their fundamental right to counsel and ultimately exposing states to civil liability.”)

15 *Id.* at 2.1

16 THE GAULT CTR., UNSHACKLE THE CHILDREN: A NATIONAL OVERVIEW OF STATE IMPLEMENTATION EXPERIENCES 2 (2024).

17 KANSAS ASSESSMENT, *supra* note 1, at 72.

18 *Id.*

19 *Id.* at 73.

20 *Id.*

21 *Id.* at 74.

22 *Deck v. Missouri*, 544 U.S. 626 (2007).

23 See UNSHACKLE THE CHILDREN, *supra* note 16; S.B. 1255, 2025 Reg. Sess. (Va. 2025); S.B. 43, 2025 Reg. Sess. (Mo. 2025).

24 UNSHACKLE THE CHILDREN, *supra* note 16, at 5.

25 *Id.* at 10.

26 KANSAS ASSESSMENT, *supra* note 1, at 74.

27 UNSHACKLE THE CHILDREN, *supra* note 16, at 2.

28 KANSAS ASSESSMENT, *supra* note 1, at 36.

29 *Id.*

30 *Id.*

31 *Id.* at 34.

32 *Id.*

33 See NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 2.5 (“When no motions are filed, when no independent investigation takes place, when the actions of police go unexamined, when all but a handful of cases result in a guilty plea to all counts and when [probation]-recommended dispositions are almost always accepted without challenge, the only possible conclusion is that children . . . do not receive adequate or effective representation in delinquency proceedings, in violation of the constitution.”) (citing C.R. DIV., U.S. DEP’T OF JUST., INVESTIGATION OF THE ST. LOUIS COUNTY FAMILY COURT, ST. LOUIS, MISSOURI (2015)).

34 See NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 3.2.

35 *Id.* at 2.5.

36 See *id.* at 3.4

37 See *id.* at 3.3.

38 See *id.*at 1.2, 3.3.

39 KANSAS ASSESSMENT, *supra* note 1, at 32.

40 *Id.* at 28.

41 *Id.* at 29.

42 NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 1.2, 2.5.

43 See *id.*

44 See NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 3.3; see also THE GAULT CTR. & NAT’L COUNCIL OF JUV. AND FAM. CT. JUDGES, NAVIGATING VIRTUAL PROCEEDINGS IN JUVENILE COURT: A GUIDE FOR JUDGES (2023); BRENNAN CTR. FOR JUSTICE, THE IMPACT OF VIDEO PROCEEDINGS ON FAIRNESS AND ACCESS TO JUSTICE IN COURT (2020); CTR. FOR CT. INNOVATION & NAT’L LEGAL AID & DEF. ASS’N, REMOTE JUSTICE: COMMUNICATION IN THE VIRTUAL COURTROOM (2020); JUV. JUST. INITIATIVE, CHILDREN’S EXPERIENCE WITH VIRTUAL COURT (2021).

45 KANSAS ASSESSMENT, *supra* note 1, at 38.

46 *Id.* at 33.

47 *Id.* at 39.

48 *Id.*

49 *Id.* at 40.

50 *Id.* at 41.

51 *Id.* at 43.

52 *Id.* at 42.

53 NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 3.4.

54 *Id.*

55 See *id.*; see also INVESTIGATION OF THE ST. LOUIS COUNTY FAMILY COURT, *supra* note 33, at 29 (“Significant concerns emerge when the person entering a guilty plea is a child. Young people’s developmental immaturity and lack of experience alone render them less likely than adults to understand the rights they are waiving and the legal and factual requirements of the charge to which they are admitting. . . . Moreover, this lack of comprehension is exacerbated when, as is often the case in delinquency cases, the child suffers from learning disabilities, mental health disorders, or cognitive delays. National standards thus demand

that judges take particular precautions before accepting a child’s guilty plea, including the use of developmentally appropriate language and cross-checking for understanding.”).

56 KANSAS ASSESSMENT, *supra* note 1, at 38.

57 NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 1.2, 3.4 (“Substantial structural limitations force even otherwise competent and well-intentioned public defenders into a position where they are, in effect, a lawyer in name only. Such limitations essentially require counsel to represent clients without being able to fulfill their basic obligations to prepare a defense, including investigating the facts of the case, interviewing witnesses, securing discovery, engaging in motions practice, identifying experts when necessary, and subjecting the evidence to adversarial testing. Under these conditions, the issue is not effective assistance of counsel, but . . . ‘nonrepresentation.’”) (citing U.S. STATEMENT OF INTEREST, HURRELL-HARRING V. NEW YORK, 930 N.E.2D 217 (N.Y. 2010) (NO. 8866-07).

58 Generally, disposition is a term that refers to the sentencing phase in juvenile courts to differentiate juvenile courts from adult courts, by highlighting the non-criminal nature of juvenile court proceedings. In Kansas, the term “sentencing” is commonly used in juvenile court.

59 KANSAS ASSESSMENT, *supra* note 1, at 44.

60 *Id.* at 45

61 *Id.* at 46.

62 *Id.* at 48.

63 See NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 1.2, 4.3.

64 See *id.*

65 See *id.* at 2.4.

66 KANSAS ASSESSMENT, *supra* note 1, at 60.

67 *Id.*

68 *Id.* at 66.

69 See Dear Colleague Letter from the Off. of the Assoc. Att’y Gen, U.S. Dep’t of Just., on Fines and Fees 3 (Apr. 20, 2023) (“Notably, in addition to raising serious legal and practical concerns, assessment of unaffordable fines and fees often does not achieve the fines’ and fees’ stated purposes. In many cases, unaffordable fines and fees undermine rehabilitation and successful reentry and increase recidivism for adults and minors. And to the extent that such practices are geared toward raising general revenue and not toward addressing public safety, they can erode trust in the justice system.”).

70 KANSAS ASSESSMENT, *supra* note 1, at 60.

71 See Dear Colleague Letter, *supra* note 69, at 5.

72 KANSAS ASSESSMENT, *supra* note 1, at 62-63, 81.

73 KAN. APPLESEED & JUV. L. CTR., MAKING CHILDREN PAY: THE HIDDEN COST TO KANSAS OF JUVENILE FEES AND FINES 11-12 (2024) (“Where a right to counsel exists, that right cannot be conditioned on a defendant’s payment of fines or fees that the defendant lacks the ability to pay.”); NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 2.2 (“Automatically appoint a public youth defender without an ability-to-pay determination for all youth and eliminate all fees and costs related to juvenile court involvement.”).

74 MAKING CHILDREN PAY, *supra* note 73, at 11-12; NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 2.2; see, e.g., *wsupra* note 33, at 10 (“Relying on parental income to determine eligibility for indigent defense poses potential problems for children in the juvenile [legal] system. For example, the appointment of counsel may be delayed while the family’s application is processed and eligibility is assessed. Moreover, faced with potential legal fees, cash-strapped parents may persuade a child that counsel is unnecessary.”).

75 KANSAS ASSESSMENT, *supra* note 1, at 62-63, 81.

76 See MAKING CHILDREN PAY, *supra* note 73, at 2 (“The harm is great, and the fiscal benefit is slim to nothing. The revenue collected from youth fines and fees makes up less than 1% of the judicial branch budget in Kansas.”).

77 KANSAS ASSESSMENT, *supra* note 1, at 70.

78 *Id.*

79 *Id.*

80 *Id.*

81 *Id.*

82 *Id.* at 71.

83 See NATIONAL YOUTH DEFENSE SYSTEM STANDARDS, *supra* note 13, at 4.2.

84 See *id.* at 4.1.

85 *Id.*

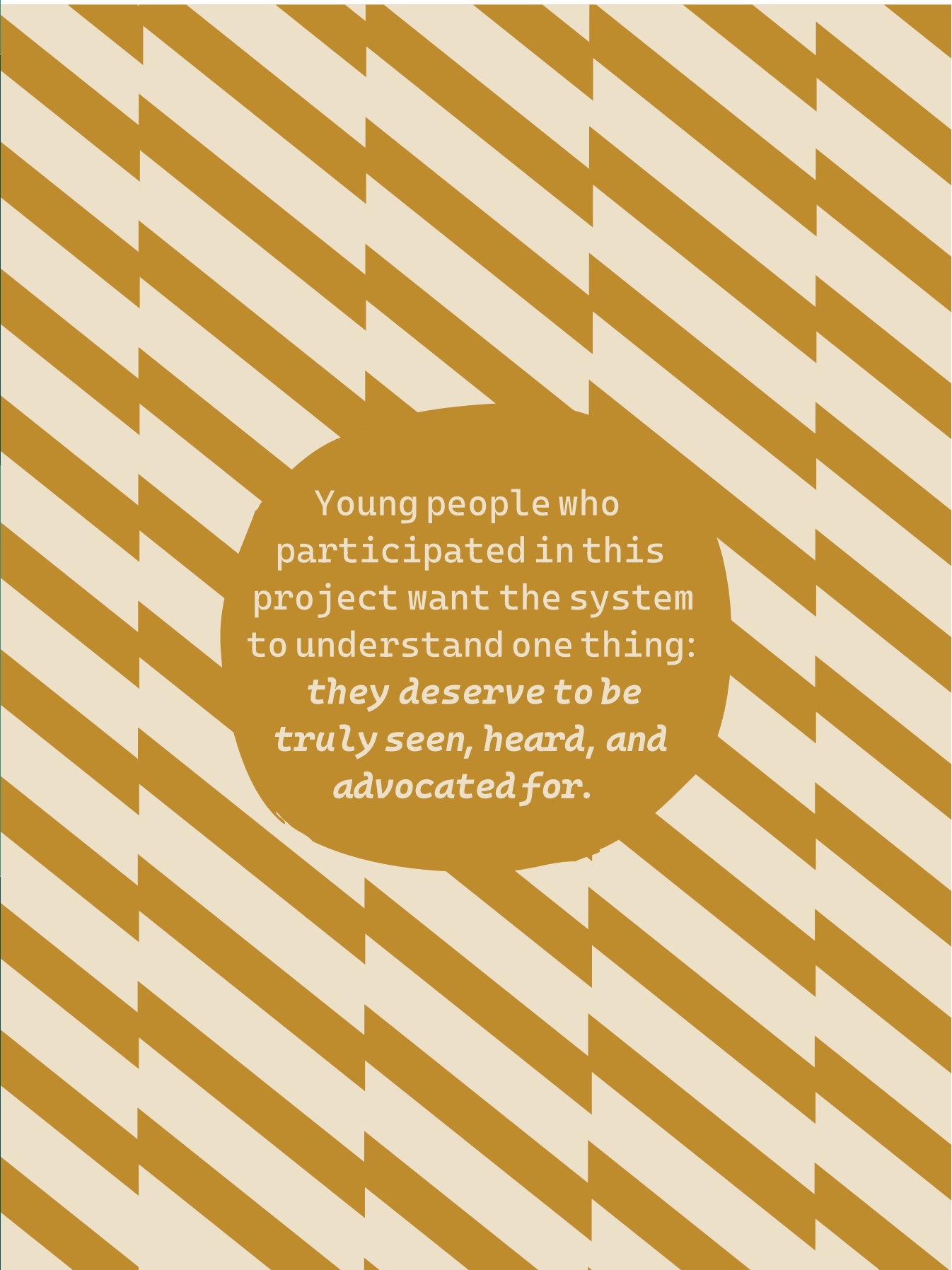
86 *Id.* at 4.2.

87 THE GAULT CTR., RESEARCH OVERVIEW ON POSITIVE YOUTH DEVELOPMENT (2024).



The Gault Center
is grateful to each
young person who shared
their experiences and
perspectives, offering
threads of wisdom, pain,
growth, reflection,
and hope.

*Featuring original artwork
by Mirage Carrington and
Brooklyn Hicks throughout.
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Young people who participated in this project want the system to understand one thing: *they deserve to be truly seen, heard, and advocated for.*

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