

FILE

Subject

*Courts*

Copy to

*Juvenile  
State Board - Governor's  
Committee on Criminal Admin.*



STATE OF KANSAS

*Office of the Attorney General*

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VERN MILLER  
Attorney General

June 3, 1974

Opinion No. 74-166

Thomas W. Regan  
Executive Director  
Governor's Committee on  
Criminal Administration  
535 Kansas Avenue  
Topeka, Kansas 66603

Dear Mr. Regan:

You advise that heretofore, the Governor's Committee on Criminal Administration has made a grant for the establishment of a Unified Court Services section for all the courts of Shawnee County. The stated goal of the grant or subgrant for this system, as reflected in the application therefor, was "to bring all of the existing services for all courts of all levels in Shawnee County into one organization with branches within the organization providing various specialties of service," one "Director . . . [to] be responsible for the development and coordination of all court services required in this jurisdiction." The application continues thus:

"The Director of Court Services will provide service from within this organization to each and every court on an equal basis. Thus, whenever any judge within this jurisdiction requires any court service he will draw that service from the Director of Court Services on an equal basis with any other judge. The judges collectively will dictate general policy, philosophy, and guidelines for the organization and such structure will apply to all branches therein."

You advise that at its meeting on April 16 and 17, 1974, the Committee approved a grant to Shawnee County for intake officers for the Juvenile Court, thus enabling the court to offer responsive services to juveniles and their families on a 24-hour basis and facilitating an effective response to runaway problems. This grant was made with the special condition that, if legally possible, the intake officers would become part of the Unified

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Court Services section. However, you advise that the Judge of the Juvenile Court opposes placement of the intake officers within the administrative framework of the Unified Court Services on the ground that such officers should come under the direct administrative control of the Juvenile Court. You inquire whether "it is legally possible to administratively place the intake officers in Unified Court Services or whether said intake officers legally belong under the direct administrative control of the Juvenile Court."

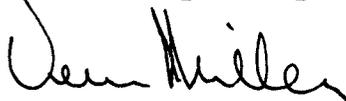
The application documents and charts which have been furnished to us indicate that the Unified Court Services organization represents a comprehensive, centralized administrative entity, created at the instance or with the consent of all the courts of Shawnee County, in order to provide more efficiently those supportive services upon which the courts must necessarily rely. This system is not based upon any express statutory authority. Rather, it represents a voluntaristic effort by the judges of all courts of the county to exercise jointly their separate powers in order better to provide all those services which each court is empowered to provide separately, albeit at great cost, both in money and in administrative burdens upon the respective judges.

Section 2 of 1974 Senate Bill 779 states in pertinent part thus:

"The juvenile judge may appoint such probation officers and investigators as are necessary to carry out the functions of the juvenile court."

Thus, the judge of the juvenile court is statutorily empowered to appoint such of the enumerated officers as are necessary to carry out the functions of the court. As noted above, the judge does not relinquish administrative control over the services provided his court merely because those services are provided under the aegis of the Unified Court Services. It is perfectly legal for the court to join in the Unified Court Services program, and to utilize juvenile intake services provided under that program. Similarly, however, if the judge insists upon exercising his statutory appointment power directly, and refuses to join in the centralized administrative entity established to provide court services to all the courts, he is free to do so.

Yours very truly,



VERN MILLER  
Attorney General

VM:JRM:jsm