

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 00-6-a

(Amended November 1, 2000)

Re: Qualifications and Procedure for the Certification and
Registration of Service Programs for Court Referrals

I. REQUIREMENTS AND QUALIFICATIONS

Effective January 1, 2001, all referrals of persons for evaluation, monitoring, treatment, or education from the District Court, 10th Judicial District ("the court"), shall be made to providers who are registered with the court and whose programs have been certified by the court. In addition to any state or federal licensing, registration, or certification requirements, and in addition to any qualifications established by a government agency, each program receiving referrals of persons for evaluation, monitoring, treatment, or education from the court must satisfy the following requirements and qualifications in order to be certified by and registered with the court, in order to renew certification and registration, or in order to continue to be certified:

1. The Program. The program must demonstrate that it will provide competent and professional services. This Order shall apply to, but is not limited to, the following program types:

Batterers' intervention
Alcohol and Drug (non-DUI) abuse

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Parenting classes
Child custody assessment
Domestic mediation
Sex offender counseling
Anger management
Tobacco addiction
Mental health counseling

The program must provide services in compliance with all applicable law, the order of the referring judge, and the court's Private Provider Standards. A service provider organization or agency accepting referrals from the court may apply for the certification of multiple programs.

2. The Evaluators. Any individual (a) performing an evaluation or testing of, (b) preparing or signing any report relating to, (c) providing supervision, education or monitoring of, or (d) making any recommendation regarding, a person referred to the program by a judge of the court is an evaluator.

Every evaluator shall be currently licensed, certified, or registered by every appropriate and applicable agency governing the profession, discipline, or specialty concerning the program.

Every evaluator employed by or affiliated in any way with the program shall be qualified to administer, score, and interpret any test or assessment instrument or tool used in the evaluation, testing or monitoring process.

Every evaluator and manager of the program shall attend and participate in any conference as directed by the Chief Judge of the 10th Judicial District for the purpose of training on matters relating to the evaluating of, or the providing of services to, persons referred by a court.

No program shall be permitted to use any personnel who are under criminal court supervision during the period of program certification and registration.

3. Reports. All client evaluation, treatment or monitoring reports shall be submitted to the appropriate judge or to court services in a timely fashion and in the form, and with all required attachments, as approved and as required by the Chief Judge from time to time. The current Evaluation Report form is attached to this Administrative Order. Other approved report forms are available from District Court Services.

3. Conflict of Interest. When an evaluator has performed an evaluation, made a recommendation for treatment, or provided any testing for a person to comply with the requirements of the court's referral, neither the program that the evaluator is employed by or affiliated with, nor any other program which is under common ownership or control with the evaluator's program shall provide treatment absent an informed and voluntary waiver by the person of this conflict of interest in the form approved by the Chief Judge. Treatment includes, but is not limited to, individual counseling; family or group counseling; monitoring service; and outpatient, intensive outpatient, or inpatient treatment.

4. Other Requirements. In order to assure the quality of services provided to the courts and to persons subject to the orders of the court, the Chief Judge may, from time to time, specify other or additional requirements for programs in specific disciplines and for applicants for certification and registration.

II. PROCEDURE

1. **Application.** The original and 5 copies of the completed application for program certification, together with all supporting documents, shall be submitted to the Chief Judge on the form approved by the Chief Judge. The applicant shall submit such further information, permit such site visits, and attend such meetings as the Chief Judge or his designee may require to evaluate the merits of the application.
2. **Notice of Certification.** Notice of certification and notice of a renewal of certification of a program shall be in the form of a letter from the Chief Judge.
3. **Duration of Certification.** Certification of a program is from the date of the notice from the Chief Judge through December 31 of the certification year, or earlier upon the first to occur of any of the following:
 - A. No evaluator identified in the application continues to be employed by or affiliated with the program. Should this occur, the program shall immediately notify the Chief Judge in writing.
 - B. Failure of a certified program to comply with such other or additional requirements specified by the Chief Judge pursuant to ¶ I.4. of this Administrative Order or to fully cooperate with the Programs Auditor pursuant ¶ III.3. of this Administrative Order.
 - C. Revocation of the program's certification by the Chief Judge upon the Chief Judge's determination that it reasonably appears the program, its evaluators, or its supervision and management lacks the ongoing expertise, capability, or willingness to provide quality services to the courts and to the persons referred by the courts.

4. Renewal of Certification. At least 60 days before the expiration of the period of certification, the program shall submit the original and 5 copies of the completed application for renewal of certification, together with all supporting documents, to the Chief Judge on the form approved by the Chief Judge. The applicant shall submit such further information, permit such site visits, and attend such meetings as the Chief Judge or his designee may require in order to evaluate the merits of the application for renewal of certification.

A program's certification shall automatically expire if a notice of renewal of certification is not sent to the program by the Chief Judge before the certification expiration date.

5. Fees. The annual registration fee for each managing organization or agency seeking certification or renewal of certification of any number of programs for court referrals is \$300.00. In addition, the annual certification and renewal of certification fee for each program offered by the registered organization is \$100.00. An organization or agency submitting multiple applications for program certification will pay only one provider registration fee. The fees are due with the application for certification and registration, and with any application for renewal of registration and certification. Governmental agencies offering programs are exempt from these fees. Organizations or agencies providing substantial indigent services or showing special circumstances may apply to the Chief Judge for full or partial exemption from the required fees.

Registration and program certification fees under this Order shall be deposited by the Clerk of the District Court in a Program Fees Fund, which fund

shall be administered by the Chief Judge. Moneys in the Program Fees Fund shall be expended by the court, pursuant to vouchers signed by the Chief Judge, only for the costs of administering the provisions of this Administrative Order.

6. Discretion of Chief Judge. The certification, renewal of certification, revocation of certification, and establishment of the qualifications for certification or renewal of certification are within the discretion of the Chief Judge, upon consultation with the Judges of the District Court. In exercising that discretion, the Chief Judge will take into account the needs of the courts and of the community; the history of the program; the capability of the program's evaluators, supervisors, managers, and other support personnel; and such other factors that bear upon the qualifications of the applicant or program to provide appropriate services to the courts and to the community.

III. OTHER MATTERS

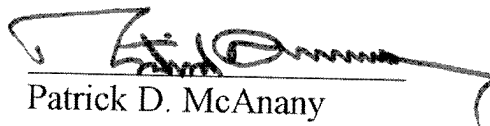
1. Advisory Committee. The Chief Judge may designate such committees and persons to act as his designee from time to time in the registration and certification process, and to assist in the evaluation, training, and education of evaluators and other persons associated with the programs.

2. Program Committee. There is hereby established a Program Committee which shall consist of a representative from each of the certified programs. On an annual basis, committee representatives shall select one of their number to chair the committee. The committee shall meet from time to time and carry out such activities necessary to facilitate cooperation between the court and the programs and

to achieve a high standard of program performance. The committee shall advise the Chief Judge of its activities and recommendations on a timely basis.

3. Programs Auditor. The Programs Auditor is an independent contractor engaged by the Chief Judge for the purpose of carrying out the registration, certification and certification renewal process, and for the purpose of monitoring the programs for compliance with standards adopted by the court. Every program registered and certified, as well as those seeking registration, certification, or certification renewal, shall cooperate fully with the Programs Auditor. The Programs Auditor shall have access to the programs' court-referred client records. No program shall be permitted to assert any claim of privilege, confidentiality or privacy of its clients or personnel when responding to the requests of the Programs Auditor acting under this Administrative Order. The Programs Auditor shall perform site visits from time to time and interview program personnel and clients regarding the programs. The Programs Auditor shall report to the Chief Judge. The Programs Auditor's reports shall be confidential for the benefit of the court.

Dated this 1st day of November, 2000.



Patrick D. McAnany
Chief Judge

ATTACHMENT to: Administrative Order No. 00-6

EVALUATION REPORT

To: _____ Court No. _____
(Judge)

Name of Participant: _____

District Court Case No. _____ Assigned CSO _____

Date: _____ / _____ / _____

Next Court Date: _____ / _____ / _____

EVALUATION

The following classification and recommendations have been made based on the participant's history, score(s) on objective testing instruments, and a personal interview. Other testing used: _____

Objective testing instruments used: _____

Additional Education Recommended? Yes _____ No _____ Type _____

Treatment recommended? Yes _____ No _____ Type _____

The participant has been given a list of treatment providers with the appropriate level of treatment.

Yes _____ No _____

Recommendation concerning the amenability of participant to education and rehabilitation:

Describe the history of participant's prior record, characteristics, referrals and other professional evaluations reviewed, and history of other treatment previously received:

Attach a summary and discussion of factors considered in this evaluation.

(Name of Certified Provider Organization)

(Name of Evaluator)

(Signature of Evaluator)

PROGRAM SERVICE PROVIDER
CONFLICT OF INTEREST WAIVER

My name is _____.

I have been referred to _____ (agency)

by the Johnson County District Court in a case captioned: _____

_____ Case No. _____, for evaluation and report concerning the

following matters: _____

I have been orally advised by the agency and have read and initialed the following:

_____ I have been evaluated by the agency specified above.

_____ The agency has recommended that I receive (treatment) (monitoring) (counseling) and/or (educational) services.

_____ I am entitled to seek a referral for such services from Court Services to an agency which is separate and distinct from the program agency which performed my evaluation.

_____ Under normal circumstances, the agency is prohibited, by reason of a conflict of interest, from providing the services or programs it recommends for me, unless I agree to waive this conflict

I hereby waive the conflict of interest and request permission to receive all such recommended program services from the evaluating agency specified above.

Date

Client Signature

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