
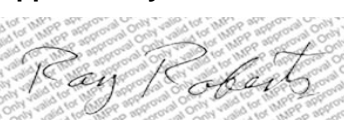


KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-126A	PAGE NUMBER 1 of 3
		SUBJECT: PAROLE SERVICES: Offender Financial Obligations	
Approved By:  Secretary of Corrections		Original Date Issued: 10-22-14	
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APPLICABILITY:	<input checked="" type="checkbox"/> ADULT Operations Only	<input type="checkbox"/> JUVENILE Operations Only	<input type="checkbox"/> DEPARTMENT-WIDE
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POLICY STATEMENT

Procedures shall be established for the identification of an offender’s financial obligations, payment expectations, and the consequences for failing to pay any debt imposed by the controlling authority or court of law.

DEFINITIONS

Controlling Authority: The Kansas Department of Corrections, Prisoner Review Board, or the sentencing court or Probation/Parole Board in the state of the original jurisdiction.

Non-Controlling Authority Debt: Any debt incurred by the offender which has not been ordered to be paid, as a direct or indirect condition of release supervision, by the controlling authority or a court of law.

PROCEDURES

I. Controlling Authority Offender Debt

- A. Offenders are responsible for their financial obligations and may be subject to revocation proceedings for the failure to pay any debt imposed by the controlling authority.
 - 1. Payments toward restitution, child support and other court ordered debts are expected, whenever feasible within the offender’s financial status.
 - 2. As part of case management, Parole Officers (POs) shall work with offenders to identify debts and encourage them to be addressed in a responsible manner.
 - 3. Parole officers shall not accept cash payments from the offender for the payment of such debts but shall monitor the offender’s payment of the debts.
 - 4. An offender's failure to pay a non-controlling authority debt may be discussed as part of case management, but shall not be considered a condition violation or used in revocation proceedings. (4-APPFS-2F-02)
- B. Offenders shall be required to make payments on debts ordered by the controlling authority and the parole officer shall monitor and encourage payment on such debts.
 - 1. This may include but is not limited to restitution, child support, fines, voucher fund repayments or GPS and program fees.

- C. As part of supervision procedures, the PO shall identify or confirm any restitution or child support owed. The information gathered should be documented in contact notes.
 - 1. If an offender owes child support, contact the CSE Customer Service Call Center (CSCC) (888-757-2445) and provide them with information regarding the offenders release, contact information and employment status.
 - 2. If a detainer was lifted on a pending child support case by DCF Child Support Enforcement, the PO should discuss with the offender his/her obligation to follow up on the pending child support case in which the detainer was lifted.
- D. Within 45 days of release, the assigned parole officer and offender shall review the offender's debts, income and financial status to establish a payment plan for court ordered and controlling authority imposed debts, to include restitution and child support.
 - 1. Payment plans should be realistic and be determined in keeping with the offender's financial status and ability to pay. If an offender is not able to make payments, a payment plan may be deferred until the offender's financial status allows payment.
 - 2. The Offender Financial Statement form (IMPP 14-107) may be used to document the offender's financial situation and budget plan.
 - 3. Any payment expectations or agreements shall be documented in contact notes.
 - 4. A special condition requiring payment may be imposed in cases instances where the offender is resistant to acknowledging and addressing a court or controlling authority ordered obligation, within his/her ability to pay.
- E. Parole officers shall monitor controlling authority ordered debt payment by viewing computer reports, receipts of payment, money order receipts, canceled checks and by telephone contacts with the appropriate person(s).
 - 1. Parole officers shall not accept any form of controlling authority ordered debt payment.
 - a. Such payments shall be forwarded to the location designated by the controlling authority or the parole officer.
 - b. Supervision fee payments should be processed in accordance with IMPP 14-107.
 - c. Voucher fund repayments shall be processed in accordance with IMPP 04-102.
- F. Non-compliance with the required payments of controlling authority debts may result in the offender being subject to violation proceedings, the imposition of interventions or a recommendation for revocation.
 - 1. When the offender is in non-compliance regarding payment of controlling authority ordered indebtedness, the parole officer shall respond to the violation in accordance with IMPP 14-137.
 - 2. The parole officer may seek modification of the controlling authority's order to relieve the indebtedness.

II. Collection of Non-Controlling Authority Offender Debt

- A. If a complaint is received by parole staff regarding a debt that is not imposed by the controlling authority, the parole officer shall:
 - 1. Encourage the offender to pay the debt;

2. Inform the complainant that payment of the debt must be sought through means other than revocation proceedings; and,
3. Advise the complainant that KDOC policy prohibits parole officers from acting as agents of collection for debts not ordered by a controlling authority.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 75-5217, 22-3717
IMPP 04-102, 14-107, 14-137
APPFS 4-APPFS-2F-02

ATTACHMENTS

None.