

DCF LEGISLATIVE TESTIMONY



2/1/2021

TESTIMONY OF

Laura Howard, Secretary

Kansas Department for Children and Families

TESTIMONY ON

HB 2127

Chair

Patton

Vice Chair

Ralph

Ranking Member

Carmichael

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

As the Secretary for Children and Families I have made transparency one of my top priorities. I believe that transparency and accountability are essential to the work that goes on in the child welfare system. Government functions better when it is out in the open and can be held accountable by the public. This is especially true in sensitive situations involving children. I requested House Bill 2127 because I believe it will be another important step towards increasing transparency at DCF.

HB 2127 addresses DCF's ability to release information to the public.

Specifically, HB 2127 proposes an additional criteria under which DCF can release information to the public when abuse or neglect has led to a child fatality. The current statute, which is confusing to the media and public, requires DCF complete its investigation before it can release any case information to the public. HB 2127 would amend this to allow DCF to release information upon the filing of criminal charges against the alleged perpetrator of abuse/neglect.

DCF stands in strong support of HB 2127 as it will allow the department to release important information to the public in a more consistent manner.

CONTEXT & HISTORY

KSA 38-2212(f)(3) dictates what information can be released in the event it is determined child abuse or neglect resulted in a child's fatality. The statute also dictates under what circumstances this information can be released. Because the confidentiality of those involved in such an event is paramount, there are strict standards for when information can be released. KSA 38-2212(f)(3) was added to statute in 2018 in response to a child fatality situation in which DCF was unable to release documents under KSA 38-2212(f)(2). Adding (f)(3) allowed for the release of information to be done at the same time involved parties are notified.

Statute allows DCF to release the following information in response to an open records request regarding a child fatality resulting from abuse or neglect, but only after DCF has completed its investigation and made a determination as to whether abuse or neglect caused the fatality:

- Age and sex of the child
- Date of the fatality
- A summary of any previous reports received involving the child and the findings of such reports
- Any department recommended services provided to the child

This is complicated by the fact that DCF and law enforcement often investigate these incidents together and DCF must sometimes step back and delay its investigation in order for law enforcement to complete theirs. This leads to situation where an alleged perpetrator is criminally charged for the incident before DCF has completed its investigation and made a determination in the case. Current statute prevents DCF from releasing information in these situations. This confuses the media and public, leading some to believe that DCF is stalling or hiding important information.

HB 2127 would amend KSA 38-2212(f)(3) to allow DCF to release information upon the filing of criminal charges. In some cases, this will allow DCF to release the information sooner. In all cases this will ensure DCF

and the criminal justice system are aligned and able to release publicly relevant information on these situations consistently and in a timely manner.

EFFECT OF LEGISLATION

HB 2127 would amend KSA 38-2212(f)(3), adding “or criminal charges are filed against a person in relation to such fatality” as a criteria under which the secretary of DCF shall release information in response to an open records request following a child fatality caused by abuse/neglect.

FISCAL IMPACT OF LEGISLATION

DCF currently has a process in place to release information under specific conditions of a child fatality within current budget resources therefore no fiscal impact is expected.

DCF POSITION

I ask for your support for House Bill 2127. This bill is an important part of DCF’s stated goal of increasing transparency. Child fatalities are serious incidents that communities must grapple with and it is important the public has access to the information HB 2127 addresses.