

# DCF LEGISLATIVE TESTIMONY



*February 16, 2022*

**TESTIMONY OF**

Melinda Kline, Deputy Director of Permanency  
Kansas Department for Children and Families

**TESTIMONY ON**

HB 2700 – Neutral, Written Only

**Chair**

Representative Concannon

**Vice Chair**

Representative Esau

**Ranking Minority**

Representative Ousley

**and**

**Members of the Committee**

## SUMMARY OF ISSUE

Chairwoman Concannon and members of the committee, thank you for the opportunity to provide neutral testimony to the committee on House Bill 2700.

House Bill 2700 requires DCF to take certain actions prior to giving consent for a legal adoption. Specifically, DCF must conduct an individualized assessment of the child's needs and attachments and provide a report to the court of that assessment. The bill requires that this assessment shall include the child's current relationship to caregivers, relatives, and others; whether a family can best meet the child's medical, physical, emotional, and other specific needs; and that the child's need to maintain and strengthen current healthy attachments. Additionally, courts would be required to make a finding that such an individualized assessment has been completed prior to an adoption order.

Department for Children and Families (DCF) policy currently requires an ongoing assessment of a child's needs and what is in the best interest of the child. Current foster placements, if interested in being an adoptive resource, must comply with a home study (home study meets requirements of the Kansas Adoption and Relinquishment Act, specifically K.S.A. 59-2130). The DCF Policy and Procedure Manual (PPM) describes how a child should be prepared for adoption including a required social history and assessments. Those assessments include medical, physical, emotional and cultural needs but also grief, loss, trauma, attachment and bonding.

## CONTEXT & HISTORY

Once the child is legally free for adoption and a prospective adoptive parent is identified, a Best Interest Staffing (BIS) is considered for scheduling to select the adoptive family that can best meet the needs of the child. A formal convening of a Best Interest Staffing may be waived for a child legally free for adoption in certain conditions:

1. There is one potential identified adoptive family or individual who is a relative, non-related kin or foster family, and;
2. If the child is not placed with a relative, concerted efforts to identify, locate and evaluate maternal and paternal relatives as adoptive families have been documented, and all are ruled out;
3. The child has been placed with that one identified family or individual for a minimum of 6 consecutive months with no disruptions.

If these attributes reflect the child's circumstances, it is allowed per policy for the case management provider to send notice and information such as a child's social history and the family's Assessment and Preparation Study to required BIS participants to request they provide any objection to waiving the BIS within seven (7) days of that notice. If any participant objects, a formal BIS is scheduled. If no objection, the path to adoption proceeds.

In absence of a waiver, a BIS is arranged, and the case manager sends packets including the Adoptive Family Assessment for each potential adoptive family or individual being considered to participants who are part of the child's planning team. Participants include youth age 14 and older, the child's current and former Case Manager/Support Worker, Guardian ad litem; therapist or service provider; Court Appointed Special Advocate (CASA), Court Services Officer, other supports such as teachers or coaches, etc. Information on each prospective family is presented and considered and a consensus reached on the family who can best meet the child's needs. DCF policy was updated in October 2019 to reflect the consensus process of selection by the child's support network. The attachment at the close of this testimony illustrates the BIS workflow.

DCF understands and shares the concern for attachment/bonding for young children and their known caregivers. Current processes are in place to evaluate and assess a child’s best interest for adoption, while simultaneously following state and federal guidelines and considering relatives and long-term connections with family, culture and heritage.

Current data shows 70-80% of Best Interest Staffing’s (BIS) include only one prospective adoptive resource/family. In fact, 50% of Best Interest Staffing’s are waived following DCF waiver policy. A much smaller number of BIS reviews are requested (see table below). DCF policy allows for a request of an internal review of a BIS decision by the non-selected adoptive resource. The purpose of the review is to identify the presence of policy error or omission during the process or bias which unduly influenced the BIS decision.

<b>BIS Related Activity SFY21</b>	<b>BIS Considered and Waived</b>	<b>BIS Considered and Held</b>	<b>(Of BIS held) BIS Reviews Requested</b>
<b>Area 1 (SFM)</b>	30	52	2
<b>Area 2 (SFM)</b>	57	103	9
<b>Area 3 NE &amp; 6 JO/DG (KVC)</b>	83	39	0
<b>Area 4 SE (TFI)</b>	105	105	1
<b>Area 5 KC (CoC)</b>	39	51	0
<b>Area 7 Sg Co. (SFM)</b>	66	70	3
<b>Area 8 Surrounding Wichita (TFI)</b>	49	5	0
<b>State</b>	<b>429 (50.2%)</b>	<b>425 (49.8%)</b>	<b>15</b>

Nearly all adoptions are finalized with a relative or foster parent and in SFY 21, 57% were with a foster family. For prospective adoptive parents who are the current placement provider for the child to be adopted, their child placing agency family worker assists them in completing the necessary items to proceed with an adoption including preparation of the best interest staffing packet of information.

#### **Adoptive Parent Relationship SFY 21**

<b>Age in Years</b>	<b>Family Foster #</b>	<b>%</b>	<b>Other #</b>	<b>%</b>	<b>Relative #</b>	<b>%</b>	<b>Total</b>
<b>0-3</b>	134	63%	0	0%	80	37%	214
<b>4-7</b>	149	54%	2	1%	123	45%	274
<b>8-11</b>	101	52%	11	6%	82	42%	194
<b>12-16</b>	88	58%	4	3%	59	39%	151
<b>&gt;16</b>	7	54%	0	0%	6	46%	13
<b>Total Adoptions</b>	<b>479</b>	<b>57%</b>	<b>17</b>	<b>2%</b>	<b>350</b>	<b>41%</b>	<b>846</b>

## EFFECT OF LEGISLATION

Per current statute, K.S.A. 38-2270, the court has two choices when parental rights have been terminated and it appears adoption is the viable alternative:

- The first option is to grant custody of the child, for adoption proceedings, to “the secretary or a corporation organized under Kansas law to care for and surrender children for adoption (secretary or the corporation to which custody or continuing custody is granted shall have authority to place the child in a family home and give consent for the legal adoption).
- The second option is to grant custody of the child to proposed adoptive parents and the court consents to the adoption by such parents the “direct placement” option is not the usual manner in which adoptions of children out of foster care occurs. Foster children typically follow the first option.

Throughout the duration of the first option, DCF maintains custody of the child and determines the best adoptive placement for through our Best Interest Staffing with the participants mentioned above. This determination is based on all present parties’ knowledge of the child, and the completed home study. Once an adoptive resource is identified, DCF consents to the adoption of the child.

HB 2700 proposes the additional step of requiring an assessment as laid out in the bill and review of the assessment by the court before the court can exercise either of the two options set out above. If the intent of this bill is to implement a new or additional assessment process, there could be impact to additional effort by case managers resulting in extra work hours. The Foster Care budget is part of the Consensus Caseload process so any increase in costs would be addressed in that process.

## FISCAL IMPACT

DCF currently conducts Best Interest Staffing (BIS) assessments which include assessments on medical, physical, emotional, and cultural needs, as well as grief, loss, trauma, attachment, and bonding. In the event of only one adoptive resource, the BIS can be waived. This occurs in approximately 50% of DCF adoptions.

To calculate the fiscal impact to DCF the agency assumed all components of the assessment required in this proposed legislation are addressed in current BIS assessments. The impact will be based on the annual cases that meet conditions to receive a BIS waiver. This is only an estimate, a specific number cannot be calculated.

<i>Additional Annual Assessments</i>	429
<i>Hours per Assessment</i>	40
<i>Additional Annual Hours</i>	17,160
<i>Case Manager - Hourly Cost &amp; Overhead</i>	\$40.00
<i>Estimated Annual Cost</i>	\$686,400

The BIS assessments are completed by the Child Welfare Case Management Providers in the DCF Foster Care budget. The Foster Care budget is part of the Consensus Caseload process so any increase in costs would be addressed in that process.

## DCF POSITION

DCF thanks you for the opportunity to submit this information regarding the current Best Interest Staffing policies and procedures as related to attachment science.

**Attachment BIS Flowchart**  
**Child is Legally Free for Adoption]**  
**Is There Only 1 Potential Adopter?**

