

Kansas Department of

Social and Rehabilitation Services

Don Jordan, Secretary

Joint Committee on Childrens Issues

October 30, 2007

Update on Foster Care

Integrated Service Delivery

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Chairman Kiegerl and members of the committee, I am Candy Shively, Deputy Secretary of the Kansas Department of Social and Rehabilitation Services. Thank you for the opportunity to provide information on child protection and the Kansas foster care program.

The foster care system in Kansas is governed by the Kansas Code for Care of Children. This legislation was enacted by the Kansas legislature in 1982 and revised in 2006. It is a careful and intricate design of checks, balances and partnerships that help protect the rights of parents while ensuring that children are safe from harm. A Child Protection Task Force has been meeting through the summer to comprehensively examine the current system's ability to prevent child abuse.

Law enforcement and SRS are responsible for receiving and investigating reports of suspected child abuse and neglect. When assessing a report of abuse/neglect and conducting the investigation it is always necessary to balance the threat of harm described in the report with the likely harm created by state intervention into the life of the family.

SRS typically takes the lead in investigating reported abuse/neglect during Monday through Friday business hours, unless the report is regarding serious injury or an emergency needing immediate action to remove the child from danger. In these situations law enforcement participates with SRS in responding to the report and conducting the investigation. This partnership between law enforcement and SRS also ensures that evidence sufficient for a criminal prosecution is preserved .

Law enforcement responds to reports of abuse/neglect after hours and on weekends if the abuse/neglect information reported is determined to be an emergency requiring immediate intervention. Law Enforcement is also frequently called upon to respond to reports of non abuse/neglect incidents, such as a child being truant or a significant conflict between a parent and an older child .

SRS social workers do not have the authority to remove a child from their home or take them into protective custody. Only law enforcement can do this without a court order. Thus anytime an immediate risk to a child is identified, law enforcement must decide whether or not to take the child into protective custody. A significant number of youth taken into protective custody by law enforcement are not at risk for abuse or neglect situations. These youth may be in conflict with home, school or community.

After an endangered child or out of control youth is taken into police protective custody, a court hearing must take place within 72 hours (exclusive of weekends and holidays) to determine whether the child stays in custody or is returned home. The court hearing process is described in more detail below.

The investigation of a reported abuse/neglect situation may identify a child in need of care even though the presenting situation isn't an emergency. In these situations an SRS social worker will meet with the child, family and others to determine whether services to the family are appropriate and whether there are risks to the child's safety. If the social worker and supervisor agree that the assessment indicates removal from the home is necessary to protect the child, the process outlined below is followed.

Process required to place a child in the custody of the Secretary:

- Case is reviewed with the prosecutor, a county or district attorney.
- The prosecutor decides whether or not to file a petition requesting the judge find that out of home placement is in the child's best interests.
- When a petition is filed, the court sets a date for the hearing and notifies parties and interested parties. If the child is in protective custody already, the notice and hearing must take place within 72 hours of the child being removed from the home.
- After the hearing, the judge may dismiss the petition or order the child be placed in the Secretary's temporary custody.
- If the judge orders the child be placed into custody, a hearing is set within 60 days to determine whether the child is in need of care

When a child is placed in the custody of the Secretary, oversight by the court continues. The courts oversight and the Secretary's authority are limited by statute. For example:

- The court may recommend or eliminate a specific placement, however the court may not order a specific placement.
- Unless there is an emergency, a child placed with a relative or in any placement for 6 months or longer, can't be moved by the Secretary without consent of all concerned or the approval of the court.
- Any time a child is removed from a placement, the Secretary must notify the court within 24 hours.
- Reports are provided to the court by the Secretary at least every six months. The reports inform the court of efforts being made to reintegrate the child with family.
- Face to face hearing before the court must occur at least annually and often take place more frequently.

The frame work for open communication among those involved in a child's life is set by Kansas statutes and regulations, federal requirements and the terms of the contracts between SRS and private providers. Communication at the community level is essential in order to drive appropriate outcomes for children.

Good outcomes for individual children depend upon systemic accountability. Kansas recently completed the second Children and Family Services Review and next year will undergo a federal audit for compliance with the conditions for receipt of federal funds. Success in both reviews requires collaboration with the judicial branch and ongoing oversight through internal quality assurance processes.

SRS contracts with four community based non-profit organizations to provide Reintegration/Foster Care services in Kansas. When the Court places a child in the custody of the Secretary, the Child Welfare Community Based Services Contractor provides temporary foster care to the child and works with the child and their family on a successful reunification plan. It is the responsibility of the CWCBS Provider to recruit and train foster parents.

Internal oversight of Child Welfare Community Based Providers consists of detailed quarterly case reads for service quality and compliance with federal and state policies and practice requirements; administrative monitoring of program, business operations, staffing certification; and monthly event reporting of clients. Annual financial audits and verification that each provider continues to be accredited by a national organization as well as remain in good standing with KDHE provide additional safeguards for the quality of care.

Our priorities for children who come to the department's attention are clear:

- safely maintain with family
- quickly return to family

When neither priority is a safe option within a child's sense of time, we attempt to provide another permanent family.

Within the checks and balances the legislature has provided, with our partners, under the oversight of the court, we work for the well being of each child. Each child is entitled to continue achieving the normal developmental milestones of childhood. This very complicated child welfare system is successful to the extent each child is successful at the work of childhood: growing into a self sufficient adult able to parent the next generation.

Thank you again for the opportunity to talk about SRS efforts to protect children and promote adult self sufficiency. I stand for questions.