



Senate Committee on Judiciary

February 11, 2016

Testimony on:

SB 410

Written Testimony by:

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Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

The Kansas Department for Children and Families (DCF) values and appreciates the role foster parents fill in the lives of children who have for various reasons been removed from their home and placed in the custody of the Secretary of DCF. Our mission is to protect children, promote healthy families and encourage personal responsibility. Our primary goal is always to ensure the safety of children in our care, achieve permanency with priority to returning them to their family and promote their well-being. Foster parents provide a stable and safe environment for children while they are temporarily placed out of their home. We appreciate all foster families that provide a safe environment for children in need of care. The ideal foster home consists of a married couple, although we realize this is not always an option. Single foster parents can provide needed love and support to foster children as well.

SB 410, the CARE family pilot program for foster care, establishes a new category/class of foster care family that “may” be licensed as a “CARE family”. DCF strongly supports providing the best possible foster parents for the children in the care of the Secretary and supports providing those foster parents with the training and resources they need in this important undertaking. Our agency greatly appreciates the impact of good foster parents on children who have been removed from their homes due to abuse, neglect or other traumatic experiences.

SB 410 provides that the CARE family “may” be selected and “licensed” by the Secretary if the criteria requirements set forth in the section are met. New Section 1. (c) states that a “CARE family’s home “shall not be considered a child care facility and shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.” It appears separate licensing rules and regulations would be required by the Secretary in connection with the CARE family. As the proposed language outlines, CARE families must meet certain criteria, most of which is not currently required per statute or regulation. The selection is based upon the criteria set out in the bill, which is unrelated to criteria generally used to establish a different “category” of foster home, such as level of care, special needs of child, etc. This would result in a tiered foster parent system that might create unintended

consequences. However, having this set-up as a pilot would allow an opportunity to assess those consequences. Consideration should be given and explored on the impact that establishment of a special type of foster home (not based upon level of care) may have relating to Title IV-E funding for foster children.

Often, children in foster care will have problematic behaviors due to the abuse and neglect to which they have been subjected in their past. Generally, criteria for a foster family home is based on level of care and focus on the child's needs. This currently serves as the basis for different categories of foster homes, such as therapeutic foster homes. In these cases, the therapeutic foster parent has brought additional training and experience into the foster parent-child relationship.

New Section 1 (e)(1) addresses the right for the CARE family to submit a report on a form created by DCF. K.S.A. 38-2261 currently embodies much of the language proposed in this section. It provides for reports to be made by foster parents. It requires the Secretary to provide notice to the foster parent of his/her right to submit a report. Copies are to be made available to all parties. The report is to be on a form created by DCF. DCF has this report form posted on its website and contained in the Prevention & Protection Services Policy & Procedures Manual. (e)(2) provides that notice is to be given by the courts to foster parents of court proceedings related to CINC matters. K.S.A. 38-2254 currently requires such notice and opportunity to be heard in connection with dispositional hearings, and 38-2265 requires such notice and opportunity to be heard relating to all permanency hearings.

Determination of compliance of the CARE family with certain enumerated criteria must rely upon self-reporting, which is not subject to validation. We would suggest that language be included in the bill that would create a system of accountability for families designated to be CARE families. We would need to work with our federal partners regarding the impact and unintended consequences that might result from passage of this bill.

The bill provides in (f)(1) that a CARE family shall determine how best to meet the educational needs of any child placed with the family and have sole discretion in the educational placement. The bill also provides the CARE family shall be reimbursed by the Secretary for "educational expenses incurred for each child who is not enrolled in a school district in an amount not to exceed the statewide average state aid per pupil. The bill states that the CARE family with whom a child has been placed shall become the educational advocate for such child. The CINC Code provides that the parents whose rights have not been terminated are to still be involved in such decisions unless the parents are unknown or unavailable (K.S.A. 38-2218). The best interest of each child in the custody of the Secretary should be considered in light of all facts and circumstances. Current language in the CINC Code regarding educational advocates

should remain as is. The current statute allows for needed flexibility within parameters of current statute.

The bill in (g) sets forth provisions regarding restriction on removal of a child from a CARE family placement by the Secretary. Existing Kansas statutes provide for statutory process as to when a child may be removed from a placement and under what circumstances. The Secretary has charge statutorily over children in her custody, per statute, and should retain authority to protect and provide for children in her care, regardless of the type of foster home in which the child is placed.

DCF is fully supportive of the goal of offering the best possible foster parents for children in the Secretary's care. Foster parents play a crucial role in a complicated system that is designed to ensure that the best interests of children are primary. While specific proposals must be thoroughly vetted, the CARE family program for foster care is a good starting point for further discussion about how to improve the system for the benefit of the children in the Secretary's custody.

DCF is neutral with respect to SB 410. Thank you for the opportunity to submit testimony about this proposed legislation.