



DCF Legislative Testimony

March 5, 2025

TESTIMONY OF: Tanya Keys, Deputy Secretary, Department for Children and Families

TESTIMONY ON: HB 2075

DCF | HB 2075 / PERMANENCY HEARINGS

Chair Gossage and members of the committee. Thank you for the opportunity to provide testimony in support of HB 2075, which amends K.S.A. 38-2264 (f) so that the initial Child in Need of Care (CINC) permanency hearing is held within 9 months and subsequent permanency hearings are held every 6 months.

DCF requested introduction of this bill. The purpose of this bill is to reduce the amount of time children are separated from family and kin while in the custody of the Secretary of DCF placed in foster care out of home placement. Specifically, our goals with this bill are to:

- Achieve timely legal permanency for children in care; and
- Improve toward national performance for timely permanency for children in care one year, two years and more than two years.

SUMMARY OF CHANGE

The bill reduces the number of months for courts to hear CINC foster care permanency matters.

Specifically, the bill amends K.S.A. 38-2264 (f) to reduce the number of months from 12 to 9 to hold the first permanency hearing and reduces from 12 to 6 months for any subsequent permanency hearings. A permanency hearing shall be held within 9 months of the date the court authorized the child's removal from the home and not less frequently than every 6 months thereafter.

The original bill was amended by the House Committee on Child Welfare and Foster Care. The committee amendment changed the subsequent permanency hearing timeframe from 9 to 6 months.

BACKGROUND

Foster care is intended as a temporary arrangement that is used when children cannot remain safely in their parents' care due to abuse, neglect, parental incapacity, or other unsafe circumstance. Once children are separated from family in foster care, states are responsible to achieve permanency in a timely manner for the child through services, supports and court hearing processes. Kansas has not historically met the national performance standard for 3 federal permanency outcomes. Historical data is listed in related data at the end of the testimony. For statewide in SFY25 available at [Foster Care Case Management Performance](#) :

- For permanency within 12 months of entering care, Kansas performance is 32.8%, short of national performance of 35.2%.

- For children in care 12-23 months who had permanency in the subsequent 12 months, Kansas performance is at 33.3%, falling short of national performance of 43.8%.
- For children in care 24+ months who had permanency in the subsequent 12 months, Kansas performance is at 30.2%, falling short of national performance of 37.3%.

Court hearings are used to review the status and determine the permanent placement and goals of children who have been separated from their families into foster care. The Adoption and Safe Families Act (ASFA) of 1997 (P.L. 105-89) amended title IV-E of the Social Security Act to provide added safety and permanency for children in out-of-home care. Under ASFA, a permanency planning hearing must, at a minimum, be held within 12 months of the date the child entered care, and then every 12 months thereafter, to review and approve the permanency plan for the child. When a court determines that reasonable efforts to reintegrate the child with the parents are not required, a permanency planning hearing must be held within 30 days.

Federal law guides states to emphasize timely permanency and states exercise discretion in implementation. Permanency hearings are required in the statutes of all States, the District of Columbia, and Puerto Rico to occur no later than 12 months after removal into foster care. However, several states have criteria upon or within which to hold permanency hearings earlier than the federal requirement of 12 months. Information from the Child Welfare Information Gateway through the Administration for Children and Families includes the following examples in the document [Court Hearings for the Permanent Placement of Children](#).

States with a shorter timeline for the first permanency hearing date:

- New York, Oklahoma, and Texas - within 6 months
- Connecticut -9 months
- Virginia – 10 months

States with an earlier first permanency hearing dates for young children:

- Arizona- child 3 and younger, within 6 months
- California- child 3 and under- within 120 days (4 months)
- Colorado - within 3 months in counties with expedited permanency planning for children under age 6 years.
- Georgia- child under 7, within 9 months
- Vermont, children under 3- within 3 months; children 3-6, within 6 months

States with an ongoing permanency plan requirement shorter than every 12th month.

- Georgia - After the initial permanency plan hearing has occurred, a permanency plan hearing shall be held no less than every 6 months.
- Oklahoma - Subsequent permanency hearings shall be held at least every 6 months for any child who is placed out of home except the initial and subsequent hearings may be held more often upon request of a party, the Department or motion of the court.

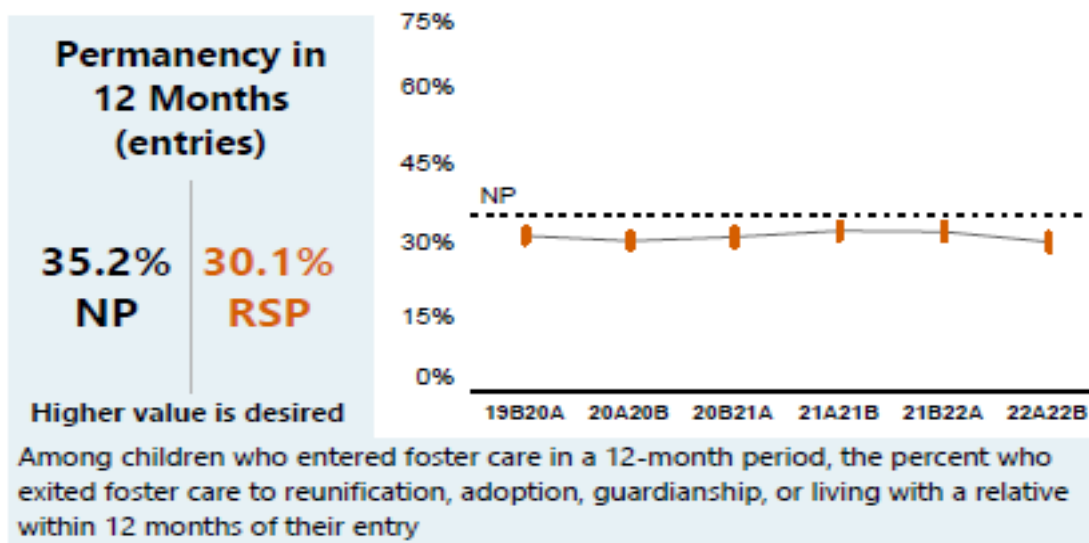
Regarding fiscal impact projections, if DCF assumes that 50% of children in foster care would have 2 fewer months in out of home placement related to the change to an earlier and more frequent permanency hearing, there is annual potential to save up to \$7 Million All Funds including \$4.8 Million in State General Funds in DCF program maintenance costs in the State Consensus Caseload process.

DCF asks that the committee pass out this bill favorably.

RELATED DATA

Historically, information in the federal data profile created for Kansas reflects national performance is not met.

Regarding a key for the figures, RSP is Risk Standardized Performance, the percent or rate of children experiencing the outcome of interest, with risk adjustment. The vertical bars in the line graph represent the lower RSP and upper RSP of the 95% RSP (confidence) interval, and national performance (NP) is the dotted black line (a higher value % is desired in this measure).

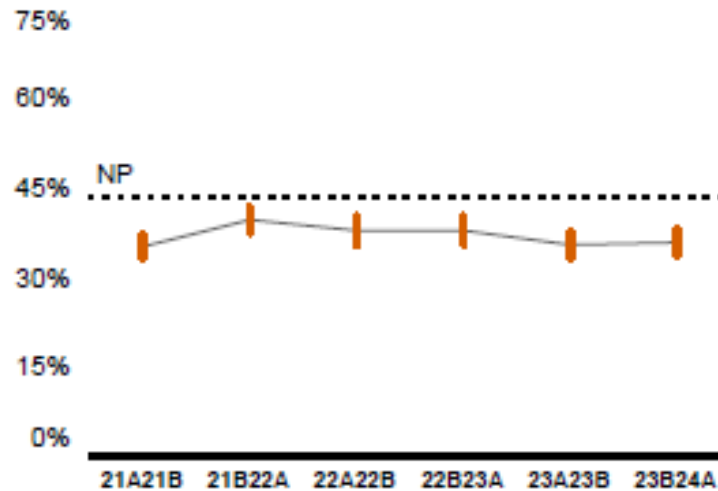


Permanency in 12 Months (12-23 mos)

43.8%
NP

36.3%
RSP

Higher value is desired



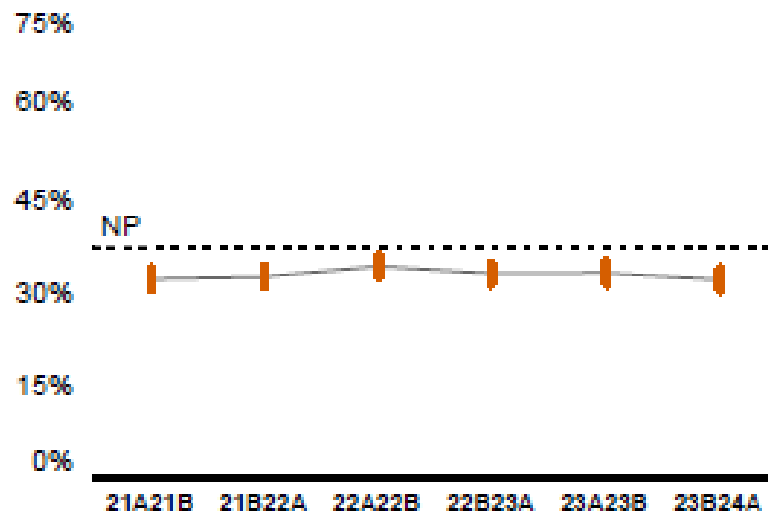
Among children in foster care at the start of the 12-month period who had been in care for 12 to 23 months, the percent who exited to permanency in the subsequent 12 months

Permanency in 12 Months (24+ mos)

37.3%
NP

32.3%
RSP

Higher value is desired



Among children in foster care at the start of the 12-month period who had been in care 24 months or more, the percent who exited to permanency in the subsequent 12 months