



DCF Legislative Testimony

February 5, 2025

TESTIMONY OF: Laura Howard, Secretary Department for Children and Families

TESTIMONY ON: House Bill 2132 - Modifying the definition of neglect in the revised Kansas code for care of children, prohibiting the removal of a child from such child's home due solely to a lack of financial resources and requiring facts of imminent harm due to a lack of financial resources demonstrate more than one fact of such lack of financial resources.

DCF | HB 2132 / DEFINITION OF NEGLECT AND RELATED SECTIONS

Chair Howerton and members of the committee. Thank you for the opportunity to provide testimony in support of House Bill 2132, which amends the definition of neglect in K.S.A. 38-2202(z) and sections related to prevention services and entry into foster care 38-2234.

The purpose of this bill is positive impact to families and children, specifically:

- Assuring poverty is not confused with neglect.
- The need to enter foster care is tied to safety/harm.
- Children don't enter care due to truancy.
- Children don't enter care solely to receive services like mental health services (in absence of abuse or neglect)
- Families experience an opportunity for services prior to removal.

PROPOSED CHANGES

Within the bill, there are three changes proposed within the definition of neglect, one change is proposed to the contents of a petition and one change is proposed for considerations in temporary orders of custody.

Neglect may include physical neglect, lack of supervision or medical neglect. Regarding the definition of neglect, language is added that an *inability of parent or person responsible for the care of a child to provide for the child due to inadequate financial resources shall not, for such reason alone, be considered neglect*. Further, the term likelihood of harm is removed from the definition of sections for physical neglect and lack of supervision.

The word failure has been replaced with the word *refusal* in each component of neglect – physical neglect, lack of supervision and medical neglect. Replacing with the word refusal prioritizes family engagement and deliberate agency assessments that distinguish poverty from neglect. The word refusal is an active tense to assess toward understanding how the family has been navigating resources when supports are available to them. New language is added to further define physical neglect as a refusal to provide the child with food or shelter, etc. *when the parent, guardian or person responsible for the care of a child is financially able to provide such care or when offered financial or other reasonable resources to provide such care*.

Regarding contents of petition for a child to be separated from their family into foster care out of home placement, new language requires a petition to specify that facts demonstrate that a child is likely to sustain *imminent* harm. New language in this section support that the need to enter foster care is tied to safety/harm. The facts in the petition must show a causal relationship between conditions in the home and the imminent harm. Further, the facts must address how the imminent

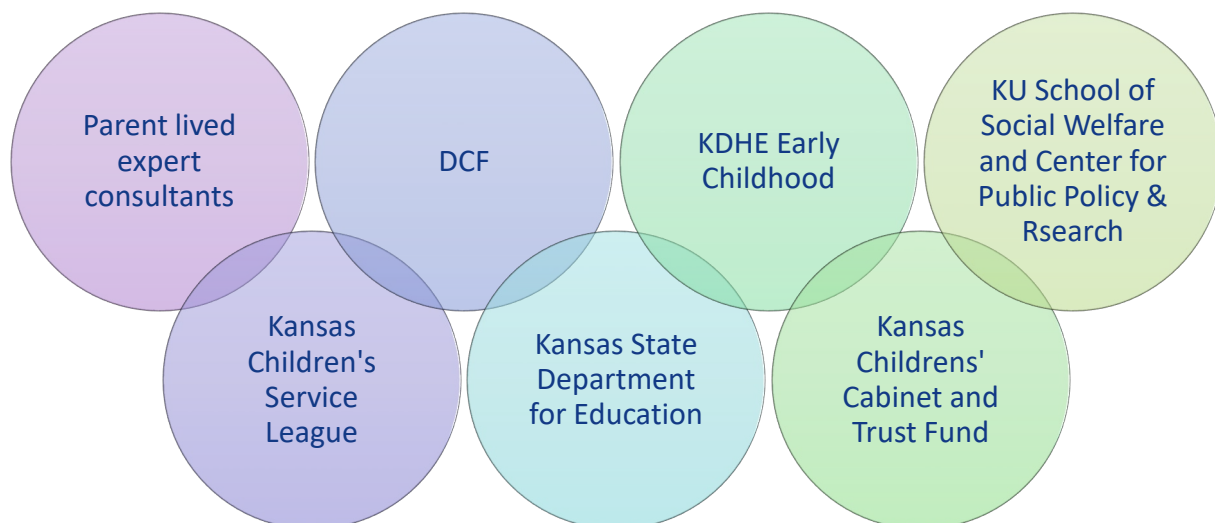
harm outweighs harm to the child that occurs as a result removal into foster care. This section of the bill supports that children do not enter foster care for reasons alone of truancy or behavioral health situations and reinforces poverty is not neglect. Specifically, changes in the bill propose nine (9) circumstances that, by themselves, are not imminent harm (community or family poverty; isolation; age of the parent; crowded or inadequate housing; substance abuse; prenatal drug or alcohol exposure; mental or behavioral health conditions; disability or special needs of the parent or child; truancy.)

To assure a family experience an opportunity for services or support prior to removal into foster care, the bill proposes that a court consider before entering a temporary of custody whether prevention services might prevent the need for foster care and, if so, inquire with the parent their willingness to participate in a prevention service. This section of the bill also requires a consideration if an issuance of a temporary order of protection for an adult residing with the child might prevent the need for removal into foster care.

BACKGROUND AND TIMELINE

Since 2021, Kansas has been involved in peer learning with about 20 other states and implementation efforts of [Thriving Families](#), [Safer Children](#) sponsored by the U.S. Children's Bureau, Annie E. Casey Foundation, Casey Family Programs, and Prevent Child Abuse America.

The focus is creating and enhancing networks of community-based supports and aligning public resources to provide a full prevention continuum that strengthens community protective factors and parent and caregiver capacities. Kansas Partners include:



Ongoing through the Thriving Families effort, other states definitions of neglect were reviewed and considered for application and impact in Kansas law. In 2024, discussion was brought forth through presentations from Casey Family Programs to the Joint Committee for Child Welfare System Oversight about ensuring and increasing child safety, preventing unnecessary separation of children from their families and highlights of other state's neglect statutes contained in their full report [Analysis of state definitions of child neglect - Casey Family Programs](#).

Central to many states efforts to change their definition of neglect is active language to distinguish and reflect that poverty, economic insecurity or hardship is not neglect.

Regarding Kansas workgroup and Casey Family Programs review of other states statutory language, highly summarized, opportunities for Kansas to strengthen language to distinguish lack of financial means is not neglect based on review of language in other states state laws. In general difference in strength of language includes

- States use of the word "refusal" rather than Kansas use of the word 'failure.' (Indiana)
- States use and define harm and imminent harm; Kansas defines harm, but not the phrase best interest of child (law enforcement custody). (Washington)
- States set forth that inadequate financial resources shall not, for that reason alone, be considered neglect. (Louisiana, Virginia, Washington)
- At least two states require a judicial determination of a balance of harm - before a child is removed that "Any imminent harm to the child outweighs the harm the child will experience as a result of removal." (Washington, Iowa)
- Some states do not consider truancy a harm resulting in entry into foster care

In the fall of 2024, a statewide group of stakeholders convened as a Child Welfare, Reimagined workgroup for prevention and permanency approaches. The Kansas Child Welfare, Reimagined work embraced the following principles and vision:

- Children and youth need and deserve a safe, stable, thriving family.
- Families and children can access a robust array of resources, services and support needed to be safe, healthy, and thrive without child protective services intervention.
- Foster care is used only to address imminent and clear child safety concerns. When foster care is needed, it is a temporary, short-term and targeted intervention.
- Foster Care is appropriately resourced and honors children's family and community connections by prioritizing reunification, family time, and placement with kin whenever safe.

In their January 2025 Annual Report, the Child Welfare System Oversight Committee included in their conclusion and recommendations that The House Committee on Child Welfare and Foster Care, or successor committee should prioritize the consideration of legislation amending the definition of "neglect" in the CINC Code. Finally, aligning well with the timing of Kansas Thriving Families and Child Welfare, Reimagined workgroups values for families is H.R. 9076, Protecting America's Children by Strengthening Families Act, which was signed into law January 4, 2025. H.R 9076 reauthorizes and modernizes federal funding for Part B of Title IV in the Social Security Act to strengthen child welfare

services and expand the availability of prevention services. This law specifically addresses avoiding neglect by addressing poverty. It has a new provision that states have an opportunity to access federal prevention funds (Title IV-B) for nonrecurring short-term benefits (including supports related to housing instability, utilities, transportation, and food assistance, among other basic needs) that address immediate needs related to a specific crisis, situation, or event affecting the ability of a child to remain safely in a home.

FISCAL IMPACT

Changing the definition on neglect and related statutes and providing access to community prevention services requires no additional funding for staffing or supports to families. Changing the statutes may reduce the need over time to enter foster care for reasons related to neglect; however, that potential impact is not forecasted at this time.

DCF awaits federal program instruction to understand steps to take advantage of opportunity for federal financial participation (Title IV-B) in providing concrete supports to families.

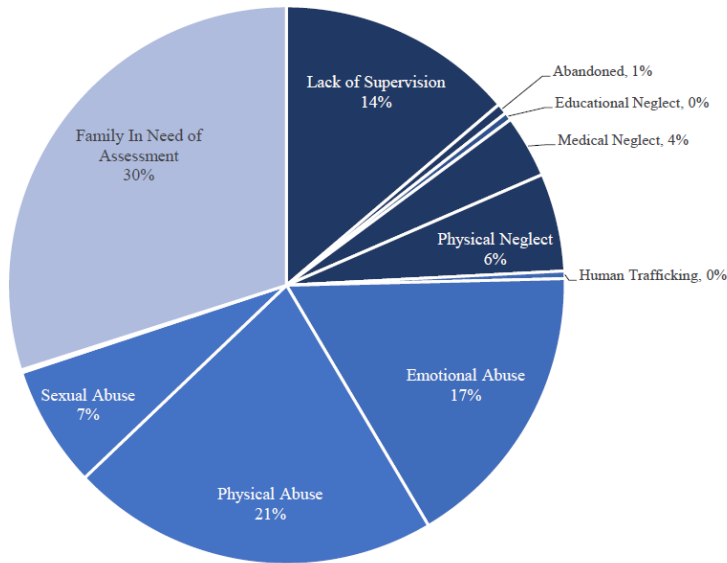
DCF supports this legislation as written and would ask the committee to pass out favorably.

RELATED DATA

A. SFY2024 assigned for assessment by a DCF Child Protection Specialist.

In SFY2024, a total of 35,253 reports met criteria for a Child Protective Service Assessment. Of those reports multiple allegation types can be recorded to one report as a result a total of 43,574 allegations were assigned under the review period. Abuse/Neglect allegations accounted for 30,544 (70%), while Family In Need of Assessment (FINA) allegations total was 13,030 (30%).

The below pie charts illustrate the breakdown of the Abuse/Neglect category by specific allegation types.



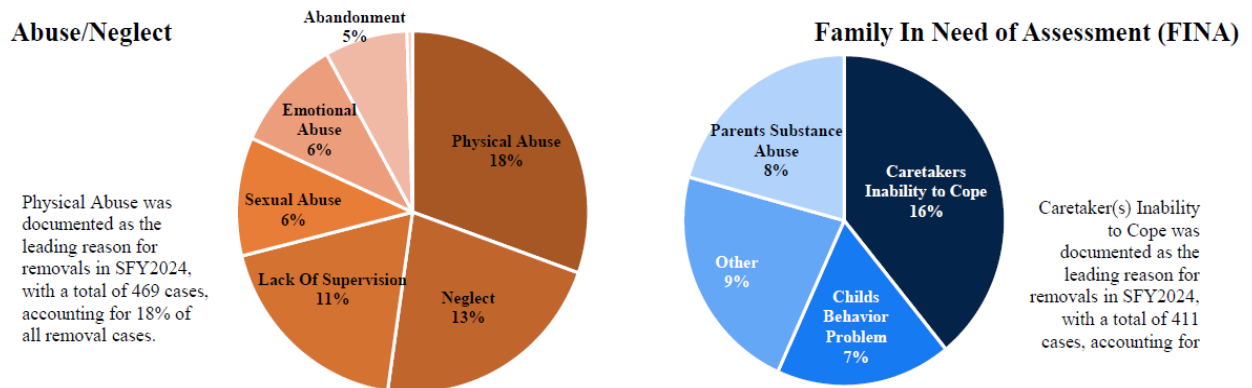
Main Points:

- 1) Abuse a subcategory of Abuse/Neglect which consists of Emotional, Physical, and Sexual Abuse types, accounts for 19,743 (45%) of all allegations assigned in SFY2024.
- 2) FINA category which includes allegations such as Caregiver Unavailable/Unable to Care, Child Behavior Problems, Caregiver Substance Use, accounts for 13,030 (30%) of all allegations assigned in SFY2024.
- 3) Neglect a subcategory of Abuse/Neglect which consists of Lack of Supervision, Abandoned, Educational, Medical, and Physical Neglect, accounts for 10,801 (25%) of all allegations assigned in SFY2024.

B. SFY2024 Primary Reason for Removal into Foster care

In SFY2024, the Protection and Prevention Services division has recorded a total of 2,590 removals. The primary reasons for these removals are categorized as either Abuse/Neglect or Family In Need of Assessment (FINA). In SFY2024, Abuse/Neglect accounted for 1,540 removals (59%), while FINA accounted for the remaining 1,050 removals (41%) recorded by the division.

The below pie charts illustrates the breakdown of these removal reasons by specific types of allegations under each category.



Over the past four years, the division has consistently recorded a decreasing trend in the number of removals since SFY2019, as shown in the bar graph.

