



DCF Legislative Testimony

January 28, 2026

TESTIMONY OF: Rebecca Gerhardt, Director of Permanency and Licensing, Department for Children and Families

TESTIMONY ON: House Bill 2524 – An act relating to licensure of family foster homes; permitting the secretary for children and families to license family foster homes when certain persons reside in such home and creating an appeal process for family foster homes when licenses are not granted.

DCF | HB 2524 | FOSTER CARE LICENSING

Chair Howerton and members of the committee. Thank you for the opportunity to provide testimony in support of HB 2524: permitting the secretary for children and families to license family foster homes when certain persons reside in such home and creating an appeal process for family foster homes when licenses are not granted.

This bill, as written, amends KSA 65-516 in two ways relevant to DCF.

First, at (d)(1) it **mandates** that the Secretary grant or maintain a family foster home license of an otherwise qualified licensee under certain circumstances. License granting or maintaining is **required** when:

- 1) The home is otherwise qualified; and
- 2) The person residing in the home, or adopted by a resident of the home, has a prohibited conviction or adjudication; and
- 3) The person with the prohibited conviction is over 18 and under 26 years of age; and
- 4) The person with the prohibited conviction was in custody of the Secretary and was placed by the Secretary with the licensed childcare facility.

Second, at (d)(2)(A) it **allows** the Secretary to grant or maintain a family foster home license when the circumstances above are met but the young person is 26 years old and older. Additionally, it appears to allow at (d)(2)(B) the Secretary to grant or maintain a license to a licensee who would not otherwise qualify due to a prohibited conviction.

When a licensee's application is denied due to a prohibited offense this bill, as written, sets the appeal mechanism as a review by the Secretary, and any decision of the Secretary is deemed final. Currently, all denials of a license, regardless of basis for denial, allow for appeal through the Office of Administrative Hearings.

Criminal background checks are an integral part of DCF's Foster Care Licensing program. Criminal background checks are done in two ways, fingerprint-based and name-based, and are designed to ensure that no household member has committed an offense listed as prohibited by KSA 65-516(a).

The current requirements of K.S.A 65-516 create situations where a licensed foster home must choose between providing a home for a young adult they cared for as a child, who may have a prohibited conviction or adjudication, or maintaining their foster home license to provide placement and support to other children. For some of these families the young adult may have been residing safely in the home with other children prior to turning 18 and leaving the custody of the Secretary. **The language as drafted will allow the family to continue caring for children in foster care as a licensed home and continue to support a youth into young adulthood.**

BACKGROUND: FINGERPRINT BASED CHECKS

Fingerprint-based background checks are completed at the time of licensing on all household members not in the custody of the Secretary who are aged 18 or older. Fingerprint-based checks are also completed on any household member, not in custody of the Secretary, at the time they turn 18. Fingerprint-based checks are completed through the Interstate Identification Index (often referred to as the Triple I). Household members are enrolled in the RAPback program at the time fingerprint-based checks are completed. RAPBack provides updates to DCF if there is a change to a person's Kansas criminal history report. RAPback does not provide information about a change to criminal history in other states. Fingerprint-based background checks also check the national sex offender registry.

BACKGROUND: NAME BASED CHECKS

Name-based background checks are completed at the time of licensing and during yearly licensing reviews on all household members not in custody of the Secretary who are aged 10 or older. When a household member turns 10, a name-based check is required and is updated yearly. Name-based checks are completed through the Kansas Bureau of Investigation Central Repository.

Substitute caregivers, when identified, are also required to have fingerprint-based background checks and name-based checks. Name-based checks are completed on a yearly basis.

HB 2524 IMPACT

Kansas has a more extensive list of prohibited offenses than is generally included in federal language. 45 CFR 1356.30 defines the offenses and timeframes for prohibited offenses for foster homes federally: felony crimes of child abuse or neglect, spousal abuse, crimes against children (including child pornography) and crimes involving violence including rape, sexual assault, or homicide – not including physical assault or battery – create a lifetime prohibition. Additionally, 45 CFR 1356.30 has a 5-year prohibition on serving as a foster home if there is a felony conviction of physical assault, battery, or a drug related offense.

While DCF may waive regulatory requirements, prohibited offenses are statutory, and the agency has no avenue for allowing exceptions. KSA 65-516, currently, does not allow DCF to consider the age of a conviction or adjudication in reviewing criminal history. The only exception allowed within the current statutory framework is located at what is currently KSA 65-516 (b)(1)-(4), which allows the Secretary to, after a safety determination, license a family foster home when a resident of the home has been adjudicated as a juvenile offender and is 18 years of age or older, maintains residence in the home or has been adopted by a resident of the home, and at least 6 months have passed since the date of adjudication. This exception is eliminated under the bill as currently written.

If a young person achieves permanency through adoption, guardianship, permanent custodianship, or SOUL family within the licensed family foster home, they become subject to the background check requirements matching their age. If the young person achieves permanency and has been convicted or adjudicated of a prohibited offense under KSA 65-516(a) the home becomes ineligible for licensure while the young person is a household member.

DCF would request amendment of the bill to make the granting of all new licenses discretionary rather than mandatory. DCF does not object to the mandatory nature of maintaining otherwise qualified licenses. To effectuate this change page 3 line 21 and 22 can be amended by **removing the language “shall grant a license to or” so that line 21 and 22 reads “The secretary for children and families shall allow maintenance of an existing license...”**

Additionally, as currently drafted, the language at lines 37-38 are unclear. DCF believes this is intended to create an opportunity to allow DCF to use its discretion to license a family foster home who may not otherwise be able to be licensed under KSA 65-516(a). **To improve consistency with DCF’s understanding, replacing the words “this subsection” with “(a).”**

DCF does not anticipate a fiscal impact on the agency. Issuance of additional licenses or maintenance of existing licenses is currently accounted for in agency budget and workloads.

DCF **supports** this legislation with the clarifications and amendments mentioned above and would ask that the committee pass favorably. Thank you again for the opportunity to provide testimony on **HB2524**.