

# Report of the Joint Committee on Child Welfare System Oversight to the 2023 Kansas Legislature

**CHAIRPERSON:** Representative Susan Concannon

**VICE-CHAIRPERSON:** Senator Richard Hilderbrand

**RANKING MINORITY MEMBER:** Representative Jarrod Ousley

**OTHER MEMBERS:** Senators Molly Baumgardner, Oletha Faust-Goudeau, Beverly Gossage, Cindy Holscher, and Kristen O’Shea; and Representatives Suzi Carlson, Charlotte Esau, Susan Humphries, Timothy Johnson, and Susan Ruiz

## **CHARGE**

### ***Review the Child Welfare System***

Pursuant to KSA 2022 Supp. 46-3901, the Committee is directed to review:

- Data on child maltreatment and demographic trends impacting the child welfare system;
- The duties, responsibilities, and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the Judicial Branch that comprise and impact the child welfare system;
- The programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the Judicial Branch that impact children and families at risk of becoming involved or who are involved in the child welfare system;

- Trends, performance outcomes, activities, and improvement plans related to the federal Child and Family Services reviews;
- Reports from child welfare-related groups;
- Implementation of the 2019 Child Welfare System Task Force report recommendations;
- Reports on concerns received from the DCF Ombudsman or customer service department or similar office;
- Data and trends on family foster home licenses issued pursuant to KSA 65-516(b);
- The exception to the State Child Death Review Board confidentiality for city or county entities with the express purpose of providing local review of child deaths (KSA 2022 Supp 22a-243); and
- Any other topic the Committee deems appropriate.

# Joint Committee on Child Welfare System Oversight

## ANNUAL REPORT

### Conclusions and Recommendations

The Joint Committee on Child Welfare System Oversight (Committee) makes the following recommendations to the 2023 Legislature:

- Funding for an expansion of the Safe Families for Children Program to serve families in the McPherson, Fort Riley, and Manhattan areas should be appropriated in FY 2024;
- The Legislature should review and consider legislation relating to a Foster Parent’s Bill of Rights, as was originally introduced by the late Representative Gail Finney in the 2022 Legislative Session;
- A bill amending the definition of “kinship care placement” in the Revised Code for the Care of Children to encompass the definition of “kinship caregiver” found in Texas Family Code § 264.851 should be introduced;
- A bill codifying the budget proviso authorizing the Department for Children and Families to establish a Child Abuse Review and Evaluation (CARE) Provider Network pilot program should be introduced;
- The Governor and Legislature should collaborate to reach a consensus on a bill during the 2023 Legislative Session that would establish a true, independent, and transparent Office of the Child Advocate;
- Funding should be appropriated to community mental health centers for the purpose of developing school age youth mental health programs and related staffing and training within the Boys and Girls Clubs of Kansas;
- This Committee should review and consider the recommendations of the Judicial Council report, once it is published, on the consideration of attachment in the selection of an adoptive resource for a child in the child in need of care (CINC) system;
- The Legislature should explore codifying caseworker accredited standard caseloads in statute and add a statutory cap on the number of cases that caseworkers can have while maintaining accreditation standards;
- Law enforcement agencies should develop best practices to minimize emotional harm to a child when a CINC case requires an officer to physically remove a child from his or her home;
- The Legislature should appropriate \$350,000 for local court-appointed special advocate (CASA) programs for FY 2024, and between \$60,000 and \$75,000 should be appropriated for the Kansas CASA Association in FY 2024;

- Local CASA programs should enhance their recruitment efforts of minority advocate applicants and should increase their approval rates of minority advocate applicants; and
- This Committee should review any data that exists regarding the impact of fentanyl on youth in foster care.

**Proposed Legislation:** One bill. Legislation amending the Newborn Infant Protection Act to expand the options for legal surrender of infants to include the use of infant refuge bassinets, also known as baby boxes, (based on 2022 SB 490) should be introduced in the House of Representatives, with a suggested referral to the House Committee on Children and Seniors or successor committee.

## BACKGROUND

Enacted 2021 HB 2158 established the Joint Committee on Child Welfare System Oversight (Committee), composed of 13 members, and charged the Committee to review:

- Data on child maltreatment and demographic trends impacting the child welfare system;
- The duties, responsibilities and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the Judicial Branch that comprise and impact the child welfare system;
- The programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the Judicial Branch that impact children and families at risk of becoming involved or who are involved in the child welfare system;
- Trends, performance outcomes, activities, and improvement plans related to the federal Child and Family Services reviews;
- Reports from child welfare-related groups;

- Implementation of the 2019 Child Welfare System Task Force report recommendations;
- Reports on concerns received from the DCF Ombudsman or customer service department or similar office;
- Data and trends on family foster home licenses pursuant to KSA 65-516(b);
- The exception to the State Child Death Review Board confidentiality for city or county entities with the express purpose of providing local review of child deaths (KSA 2022 Supp 22a-243); and
- Any other topic the Committee deems appropriate.

## COMMITTEE ACTIVITIES

The Committee met once during the 2022 Legislative Session, on April 19. The Legislative Coordinating Council approved five more meeting days during the 2022 Interim Session, and meetings occurred on September 12 and 13, October 26, and November 16 and 17.

### April 19 Meeting

#### *Public Comment on Child Welfare System from Individuals, Providers, and Organizations*

The Chief Executive Officer (CEO) of the Kansas Children's Service League (KCSL) stated the focus of the organization is to intervene when

child abuse has occurred in a home, and to provide services to prevent additional abuse and avoid the need for the child to enter foster care. The CEO stated the cost of intervention services is approximately \$8,000 per year per family, in contrast to \$31,000 for the cost of foster care annually, and asked for additional funding for the services KCSL provides.

The Executive Director of Sunflower Children's Collective, a local Court Appointed Special Advocates (CASA) program, provided an overview of CASA services.

Three private citizens provided testimony regarding their experiences with the foster care system, each expressing various frustrations and disappointments in their interactions with case management providers, child placing agencies, or DCF. In addition, Representative Tarwater gave brief remarks introducing one of his constituents. The constituent provided an account of her experience having a child removed from the home and suggested various changes to the child-in-need-of-care (CINC) process.

### ***Presentation from a Former Foster Child***

A private citizen who grew up in the foster care system shared his experiences and responded to member questions. He stated while he was able to take advantage of the tuition support offered through DCF, the application process was difficult. In exploring alternatives to talk therapy (such as art therapy) during his time as a foster child, he found that alternatives were not always feasible due to lack of insurance coverage for those services. He also stated it would have been useful to have a mentor as he approached aging out of the system.

### ***Audit Presentation: Reviewing Foster Care Services for the Health and Safety of Children***

A Senior Auditor from the Legislative Division of Post Audit (LPA) provided an overview of its March 2022 report reviewing foster care services for the health and safety of children. The audit answered two questions: "Are foster care stakeholders following adequate policies and procedures to ensure the safety of children in foster care?" and "Do foster care case management providers have sufficient capacity to provide necessary foster care services?" In

response to the first question, the audit found DCF's policies were generally "adequate," but the implementation of these policies by case management providers and child placing agencies, as well as DCF's enforcement of policies, was not adequate. In response to the second question, the audit found the system does not currently have capacity to meet the needs of foster care children. While there are enough total homes, they are not in the communities where they are necessary, so placements are often made outside a child's home community. Further, no therapeutic foster homes exist in the state and caseloads for providers average approximately double what is considered best practice.

### ***Presentation on Children's Advocacy Centers***

The Executive Director of Children's Advocacy Centers of Kansas explained the services provided by the 17 child advocacy centers (CACs) located in the state, serving children who have experienced sexual or emotional abuse, violence, drug endangerment, or human trafficking. DCF may refer a child to a CAC to conduct a recorded forensic interview for use in a criminal case. The goal of the recording is to prevent the child from repeatedly recounting traumatic experiences.

### ***Department for Children and Families Update***

The Secretary for Children and Families provided an update on numbers of children in foster care as of January 2022, reviewed performance outcomes, and addressed LPA's report on foster care. The Secretary noted the agency has begun outreach to foster parents to assess quality of services and will add therapeutic foster homes starting in July 2022. The Secretary also shared updates on the agency's Kinship Interdisciplinary Navigation Technologically Advanced Model (KIN-TECH) pilot program offered in six counties and the We Kan Drive pilot program that is currently available in the DCF east region.

### ***Child Welfare Presentations from Case Management Providers***

Representatives of Cornerstones of Care; DCCCA, Inc.; KVC Kansas; Saint Francis Ministries; and TFI Family Services provided information regarding organizational structure;

performance outcomes; average caseload sizes; and efforts to improve workforce recruitment, retention, and safety.

## **September 12-13 Meeting**

### ***Public Comment on Child Welfare System from Individuals, Providers, and Organizations***

A private citizen provided comments concerning the impact of the continued criminalization of cannabis on families, stating that if it were decriminalized, the need for foster care services would decrease.

A couple attempting to adopt a child they fostered since infancy expressed their frustrations with the adoption process. The couple explained when they could not adopt the foster child's siblings as well, their adoption was not recommended by Cornerstones of Care and they faced, in their view, continual retaliation from the organization.

### ***Presentation on Foster Youth Mental Health Needs***

The Executive Director of the Association of Community Mental Health Centers of Kansas, Inc. expressed gratitude to the Legislature for authorizing the implementation of the certified community behavioral health clinic (CCBHC) model in Kansas, and introduced three CCBHC leaders. Each leader gave brief remarks on the benefits of the CCBHC model in providing mental health services to foster youth.

A Vice President of Residential Services of EmberHope Youthville outlined its services as a psychiatric residential treatment facility (PRTF) and provided client testimonials regarding its services.

### ***Case Management Provider Updates***

Representatives of Cornerstones of Care; DCCCA, Inc.; KVC Kansas; Saint Francis Ministries; and TFI Family Services provided updates on their respective organizations' performance, current caseload numbers, and noteworthy initiatives and programs offered. Representatives of Cornerstones of Care answered questions posed by Committee members in relation to the foster parent couple that testified earlier in the meeting. The Cornerstones of Care

representatives committed to conducting a thorough review of the couple's case.

### ***Presentation on Runaway Foster Youth Study***

A representative of TFI Family Services and an associate research professor at the University of Kansas School of Social Welfare presented an overview of a recent study the two entities conducted in collaboration to identify and correct factors that contribute to foster youth absences from care. They stated a crucial finding from the study was that maintaining connections with important family members was a key factor to preventing foster youth running away from care.

### ***Presentation on Baby Boxes***

A representative of Safe Haven Baby Boxes, an organization dedicated to raising awareness of the illegal abandonment of infants, provided testimony emphasizing the importance of providing mothers an anonymous option to surrender their child through the use of a secure, climate-controlled "baby box." She stated 121 baby boxes are used in seven states currently.

The Fire Chief of McPherson, Kansas, recounted how the discovery of an abandoned infant impacted his community. He stated current Kansas law is inadequate to address these kinds of situations and suggested relevant legislation be introduced in the 2023 Legislative Session.

### ***Presentation on CARE Providers***

A pediatrician specializing in child abuse from Children's Mercy Kansas City reported progress on the development of the Child Abuse Review and Evaluation (CARE) provider network, a medical model to address child abuse and neglect that was authorized by a 2022 budget proviso. She urged the Legislature to consider legislation in the 2023 Legislative Session that would codify the program in statute.

### ***Update on Behavior Intervention***

A Vice President of Kansas Programs from FosterAdopt Connect outlined the intensive services provided to children experiencing trauma through its Behavior Intervention Program in the Kansas City metropolitan area.

## ***Overview and Status of Committee-related Legislation***

An Assistant Revisor of Statutes reviewed six bills considered by the 2022 Legislature related to the charge of the Committee, and provided each bill's status at the end of the 2022 Session.

### ***Department for Children and Families Update***

The Secretary for Children and Families provided an overview of current oversight activities of the agency. The Secretary also presented the annual report of cases of suspected child sexual abuse reported by abortion providers, as well as back-dated data to 2011. She stated she accepted responsibility for the agency's failure to compile these reports in previous years going back to 2011. The Secretary also outlined programs offered by the agency focusing on prevention and provided a brief update regarding legislative priorities of the agency.

### ***Division of the Child Advocate Presentation and Annual Report***

The Child Advocate provided background on the Division of Child Advocate within the Office of Public Advocates, reviewed the Division's strategic plan, and presented its first annual report.

### ***Childcare Provider Appreciation Bonus Program***

The Interim Director of the Bureau of Family Health, KDHE, provided information on the Child Care Workforce Appreciation Bonus Program, answering several questions from Committee members regarding eligibility for the program.

## **October 26 Meeting**

### ***Discussion of DeHaven Foster Family Case***

The Committee met to discuss in more detail the circumstances leading to the negative outcome described by the foster parent couple that presented testimony at the September meeting. Due to the nature of confidential records needing to be referenced, the Committee recessed for executive session for the majority of the meeting.

### ***Committee Comments and Recommendations***

When the public meeting reconvened, several Committee members expressed their frustrations with the outcome of the case and recommended a

“vote of no confidence” regarding DCF's transition plan in this case.

## **November 16-17 Meeting**

### ***Public Comment on Child Welfare System from Individuals, Providers, and Organizations***

A private citizen recounted her experience with DCF and law enforcement when her child was deemed a child in need of care (CINC) and expressed her belief in the need for a separate oversight agency to ensure policies and procedures are being followed by DCF and law enforcement.

A former foster parent shared the difficulties navigating the child welfare system while caring for a high-needs foster child due to a lack of accessible and affordable resources.

Another former foster parent expressed frustration that a child they cared for from a young age was eventually reintegrated with a biological father, an action the former foster parent did not believe to be in the child's best interest.

A grandmother of a child who was removed from her custody explained that she remains on the Child Abuse Registry despite the allegations of abuse being unsubstantiated and appealed multiple times. She expressed frustration over the fact that neither she nor her husband have been allowed visitation since the last hearing in the CINC case.

Two private citizens shared concerns regarding the handling of a case in their community in which two children were removed from a positive placement to be reintegrated with a relative they had never met and who had a history of child neglect.

The Executive Director of the Association of Community Mental Health Centers of Kansas, Inc. provided an update of efforts to certify community mental health centers (CMHCs) as CCBHCs, stating nine CMHCs have achieved provisional certification as CCBHCs. Eight more CMHCs are expected to be certified prior to the July 2024 statutory deadline.

A representative of the Boys and Girls Club Alliance of Kansas (Alliance) asked the Committee's support for funding for school age

youth mental health programs, youth development professionals, and training for Boys and Girls Club staff, and expressed optimism the Alliance may form partnerships with CMHCs to provide needed services for youth attending Boys and Girls Clubs in the state.

A representative of the Sisters of Charity of Leavenworth presented her thoughts on best practices in caring for children in the child welfare system and proposed four questions that should be answered before a child is removed from a home.

The State Director of the Kansas CASA Association asked the Committee for increased state funding for its programs due to increasing volatility in local program funding.

### ***Presentation on Mental Health Intervention Team Program***

The Director of the Safe and Secure Schools Unit of the Kansas State Department of Education presented information on efforts to connect at-risk youth, including students in foster care, with mental health services in schools through its Mental Health Intervention Team Program.

### ***Presentation on Safe Families for Children Program Expansion***

The Kansas State Director of Safe Families for Children provided an overview of the organization's services and an update on plans to expand its program in southeast Kansas, the Kansas City metropolitan area, and the Wichita metropolitan area. She also requested funding to expand Safe Families programming in the communities of McPherson and Manhattan and at Fort Riley.

### ***Division of the Child Advocate Update***

The Child Advocate provided an overview of the Division's case investigation process and shared preliminary results of a survey conducted by the Division in collaboration with DCF and child placing agencies to identify factors contributing to licensed foster parents' decisions to stop fostering, as was requested by the Committee at the September meeting.

### ***Foster Care Caseloads***

The Managing Fiscal Analyst, Kansas Legislative Research Department, provided foster care caseload estimates for FY 2023 and FY 2024.

### ***DCF Update***

The Secretary for Children and Families presented follow-up information to questions asked by the Committee at the September meeting and also provided information on the following topics related to foster care case management provider contracts: how foster care funding works; performance measures and expectations, including the use of performance improvement plans and incentive and penalty funding; and the timeline and process for rebidding existing foster care case management grants.

### ***Case Management Provider Updates***

Cornerstones of Care; DCCCA, Inc.; KVC Kansas; Saint Francis Ministries; and TFI Family Services provided data on their organizations' placement stability, permanency, and average length of stay for children in care. In addition to these data points, Saint Francis Ministries also provided data on employee turnover and distributed copies of the organization's financial statements and audit reports for the past three fiscal years.

### ***Presentations on Permanency and Adoption***

A parent shared her experience in adopting a CINC in Kansas, and noted five observations she made in the nine years it took to successfully adopt her child.

A private adoption attorney provided an overview of the CINC process, including: phases of a CINC case; entities involved in a CINC case; determinations of parental rights, including termination and reintegration; interested party status; reasonable efforts made by DCF to achieve permanency for the child; orders for direct placement; sibling splits; and appeals.

An Associate Research Professor from the University of Kansas School of Social Welfare and a Court Program Specialist from the Office of Judicial Administration presented an overview of the Adoption Tracking Tool developed through a public-private-university initiative. The speakers

stated the tool was designed to speed up permanency by tracking key benchmarks and time schedules for children legally free for adoption.

An adjunct faculty member of Wichita State University presented research illustrating the importance of a child forming bonds with caretakers early in life, and how adoption can impact a child's mental and emotional well-being throughout his or her life.

The Vice President of Kansas Programs of FosterAdopt Connect presented information regarding the organization's advocacy efforts for adoptive children and families in the state through its two awarded contracts for the Kansas Adoption Exchange (also known as Adopt Kansas Kids) and the Kansas Post Adoption Resource Center (K-PARC). A representative of Adopt Kansas Kids provided additional information regarding its efforts to recruit adoptive families through social media.

The Assistant General Counsel for Prevention and Protection Services, DCF, provided adoption data for FY 2022 and recent significant changes in adoption rates; information on the Best Interest Staffing process; and agency policies related to adoption, including sibling split placements. Committee members asked several questions regarding DCF's policies and requested additional research regarding sibling splits in adoption.

### ***State Child Death Review Board Annual Report***

The Chairperson of the State Child Death Review Board presented on the continuing work of the Board, providing an overview of the most recent annual report of child fatalities. A Committee member inquired about the timeliness of the data, to which the Chairperson noted the data is on a two-year delay, meaning fatalities reported in the 2022 report occurred in 2020.

### ***Committee Discussion and Recommendations for Interim Committee Report to the 2023 Legislature***

Committee members discussed a number of potential recommendations to the 2023 Legislature, and agreed to several by consensus. A few recommendations to which Committee members objected received a formal vote.

The Committee proposed legislation amending the Newborn Infant Protection Act to expand the options for legal surrender of infants to include the use of infant refuge bassinets, also known as baby boxes, (based on 2022 SB 490) be introduced in the House of Representatives, with a suggested referral to the House Committee on Children and Seniors or successor committee. In addition to proposing this legislation, the Committee agreed to adopt the following recommendations:

- Funding for an expansion of the Safe Families for Children Program to serve families in McPherson, Fort Riley, and Manhattan areas should be appropriated in FY 2024;
- The Legislature should review and consider legislation relating to a Foster Parent's Bill of Rights, as was originally introduced by the late Representative Gail Finney in the 2022 Legislative Session [2022 HB 2469];
- A bill amending the definition of "kinship care placement" in the Revised Code for the Care of Children to encompass the definition of "kinship caregiver" found in Texas Family Code § 264.851 should be introduced;
- A bill codifying the budget proviso authorizing DCF to establish a Child Abuse Review and Evaluation (CARE) provider network pilot program should be introduced;
- The Governor and Legislature should collaborate to reach a consensus on a bill during the 2023 Legislative Session that would establish a true, independent, and transparent Office of the Child Advocate;
- Funding should be appropriated to CMHCs for the purpose of developing school age youth mental health programs and related staffing and training within the Boys and Girls Clubs of Kansas;
- This Committee should review and consider the recommendations of the Judicial Council report on the

consideration of attachment in the selection of an adoptive resource for a child in the CINC system after that report is published;

- The Legislature should explore codifying caseworker accredited standard caseloads in statute and add a statutory cap on the number of cases that caseworkers can have while maintaining accreditation standards;
- Law enforcement agencies should develop best practices to minimize emotional harm to a child when a CINC case requires an officer to physically remove a child from his or her home;
- The Legislature should appropriate \$350,000 for local CASA programs for FY 2024, and between \$60,000 and \$75,000 should be appropriated for the Kansas CASA Association in FY 2024;
- Local CASA programs should enhance their recruitment efforts of minority advocate applicants and should increase their approval rates of minority advocate applicants; and
- This Committee should review any data that exists regarding the impact of fentanyl on youth in foster care.