



August 11, 2020

FOSTER CARE-RELATED INTERIM COMMITTEES

The 2020 Special Committee on Foster Care Oversight has been charged to “receive input from families, social workers, and other stakeholders on progress and shortfalls in the State’s child welfare system, including quality of care for children in foster care, access to health and mental health services, trends in contributing factors, program outcomes from the Family First Prevention Services Act, and barriers to sharing information across stakeholders; and make recommendations to the Legislature on additional improvements and oversight needed to improve the State’s child welfare system.” This memorandum provides information regarding legislative interim special committees and task forces on foster care topics from 2015 through 2018.

2015 Special Committee on Foster Care Adequacy

The Legislative Coordinating Council (LCC) in 2015 created the Special Committee on Foster Care Adequacy (2015 Committee). The 2015 Committee was composed of seven members and was tasked by the LCC to review the following issues pertaining to foster care adequacy:

- The level of oversight and supervision by the Department for Children and Families (DCF) over foster care contractors;
- Evaluate whether or not a potential working group of attorneys in the area of family law, judges, foster parents, and parents with reintegrated children would aid in addressing foster care concerns;
- Study the proper selection of foster parents and the qualifications of foster parents; and
- Review the duties of those individuals responsible for foster children, the Safe Families Act, the connection between DCF and foster care contractors, and the Grandparents Rights Law.

Recommendations

The [Report](#) of the Special Committee on Foster Care Adequacy to the 2016 Kansas Legislature contained the following recommendations:

- In considering the best interest of a child, evidence-based peer-reviewed research on family structure be considered a high priority in making foster care placement decisions; and
- Legislation be introduced to create a foster care oversight committee similar to the Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight; and should legislation creating a foster care oversight committee not be approved, a Senate committee and a House committee each be charged with reviewing the topic of foster care.

Proposed Legislation

The 2015 Committee supported introduction of legislation during the 2016 Legislative Session to create a foster care oversight committee, but it did not request a bill be drafted on behalf of the Committee.

2016 Special Committee on Foster Care Adequacy

The LCC in 2016 again appointed a Special Committee on Foster Care Adequacy (2016 Committee). The 2016 Committee was composed of seven members and was tasked by the LCC to continue review of the issues pertaining to foster care adequacy addressed by the 2015 Committee, with a clarification identifying the statutory reference to the Grandparents Rights Law regarding custody (KSA 2015 Supp. 38-2286).

Legislative Division of Post Audit Report on Foster Care and Adoption

The 2016 Committee reviewed Parts One and Two of the three-part performance audit report on foster care and adoption in Kansas prepared by the Legislative Division of Post Audit (LPA). Part Three of the performance audit report was issued in April 2017 after the publication of the [Report](#) of the Special Committee on Foster Care Adequacy to the 2017 Legislature.

[Part One](#) of the report dealt with three questions. Question one was whether DCF was following adequate policies and procedures to ensure the safety of children during the removal and placement process. Question two was whether DCF's child placement process helped ensure children were placed in foster care or adoptive homes with sufficient living space and sufficient financial resources. Question three was whether DCF's criteria for recommendations regarding the removal and placement of children were designed with a family preference.

[Part Two](#) of the report addressed Question four, which dealt with whether DCF ensured all applicable state and federal laws governing the foster care system in Kansas were followed.

Concerns

The 2016 Committee identified the following as its highest concerns in discussing and adopting its recommendations:

- The response to concerns regarding repeated hotline calls and the follow-up (or lack thereof) to these calls;
- The need for DCF to explore performance measures tied to penalties and incentives for contractors;
- The need to gather data on social worker turnover (leaving social work altogether) and churn (leaving DCF and contractors to work for another social work organization);
- The need to find methods to truly verify monthly in-person visits, such as Florida's photo verification that utilizes date, time, and GPS stamps;
- The need to create more state oversight of the foster care system;
- The need to improve family preservation programs even if federal money is not available for such programs;
- The need to ensure children are not being removed from the home and placed in state custody in cases where the only issue is poverty rather than abuse or neglect; and
- The system operate as efficiently as possible.

Recommendations

The report of the 2016 Committee contained the following recommendations:

- A House bill be introduced containing the language of 2016 HB 2585, as amended by the House Committee on Children and Seniors, establishing a foster care oversight task force, with dates changed as required;
- The use of citizen review boards be encouraged in child-in-need of care (CINC) cases and legislative standing committees examine expanding the statutory scope of such boards;
- The right of biological parents and grandparents to visitation with children and grandchildren be affirmed, including visitation in their hometown with children and grandchildren who are in out-of-town placements, with the children's travel expenses the responsibility of the contractor;
- The Legislature address, through standing committees or special committees, the LPA findings on foster care and adoption in Kansas, concerns raised through the audit, and actions being taken by DCF to address those concerns;
- DCF investigate the value of additional vendors for foster care programs;

- DCF report annually to a standing committee of the Senate and a standing committee of the House; and
- The Legislative Post Audit Committee consider addressing the 2016 Committee's concern regarding the low response rate to the LPA survey of public employees and employees of contractors in the foster care and adoption audit.

Proposed Legislation

The 2016 Committee recommended a House bill be introduced containing the language of 2016 HB 2585, as amended by the House Committee on Children and Seniors, establishing a foster care oversight task force, with date changes as required.

2017 Child Welfare System Task Force

The 2017 Child Welfare System Task Force (Task Force) submitted a preliminary report to the 2018 Legislature pursuant to 2017 [House Sub. for SB 126](#), which directed the Secretary for Children and Families to establish the Task Force to study the child welfare system in the state. The bill directed the Task Force to convene working groups to study the following topics: the general administration of child welfare by DCF, protective services, family preservation, reintegration, foster care, and permanency placement. Additionally, the Task Force and each working group were directed to study the following topics:

- The level of oversight and supervision by DCF over each entity that contracts with DCF to provide reintegration, foster care, and adoption services;
- The duties, responsibilities, and contributions of state agencies, nongovernmental entities, and service providers that provide child welfare services in the State;
- The level of access to child welfare services, including, but not limited to, health and mental health services and community based services, in the state;
- The increasing number of children in the child welfare system and contributing factors;
- The licensing standards for case managers working in the child welfare system; and
- Any other topic the Task Force or working group deemed necessary or appropriate.

Working Groups

The Task Force voted to establish three working groups and directed each working group to study two of the topics assigned by House Sub. for SB 126. The working groups established were:

- General Administration of Child Welfare and Foster Care;
- Protective Services and Family Preservation; and
- Reintegration and Permanency Placement.

LPA Report on Foster Care and Adoption (Part 3)

The Task Force reviewed [Part Three](#) of the three-part performance audit report on foster care and adoption in Kansas prepared by the LPA. The previous two parts were reviewed by the 2016 Special Committee on Foster Care Adequacy. Part Three of the report addressed Questions five through seven related to privatization. Question five was whether foster care contractors had sufficient capacity to provide necessary foster care services. Question six was how the State's performance on federal outcomes had changed over time. Question seven was how the cost to the State of directly providing foster care and adoption services would compare to maintaining the current privatized system.

Concerns

The following concerns were identified by the Task Force after consideration of the concerns noted by the three working groups regarding the child welfare system:

- High turnover levels of social workers due to stress, excessive caseloads, and low pay;
- Excessive caseloads and limited funding affect timely response for needed services;
- Increasing numbers of children and youth forced to sleep overnight in child placement agency offices because there is nowhere else for them to go after being removed from their homes;
- The significant decrease in number of beds for children and youth in psychiatric residential treatment facilities (PRTFs) in Kansas;
- The number of children and youth missing from the State's child welfare system at any given time;
- Antiquated set of various computer systems within DCF that prevents communication between computers within DCF and between DCF and the two child welfare system contractors;
- Excessive length of time for some adoptions to be completed after parental rights are terminated; and
- Lack of additional funding over recent years for family preservation services.

Recommendations

The [Report of the Child Welfare System Task Force to the 2018 Kansas Legislature](#) contained the following preliminary recommendations:

- Implementation of a multi-year focus on recruitment and retention of social workers, including DCF evaluation of the morale and tenure of the work force;
- Development of long-term incentives, supports, career path (advancement), professional development, ongoing training, supervision, student loan forgiveness, and competitive compensation for social workers who work in the child welfare system;
- Improvement of continuity of services and record keeping so caseworker turnover does not affect delivery of services;
- Address problems that have led to the closure of several PRTFs for children and youth so more PRTFs can be added;
- Require DCF to evaluate and explore options for combining stand-alone computer systems into a consolidated system, to respond to the recent audit performed by the LPA and the federal Program Improvement Plan. Such consideration should include availability of federal matching funds and the system implemented by Indiana. DCF should provide the Legislature with a clear recommendation for computer system improvement and the Legislature should provide the funding required for any necessary feasibility study;
- Address prompt adoptions after parental rights have been terminated. Such adoptions, though improving, need further attention;
- Address issues regarding youth who run from placement, including evaluation of what facilities could be used for such youth;
- Consideration of preventative services that could be added or increased;
- Require DCF to review the evolution and continuum of placements used over the years; and
- Consider the effect of the consolidation of juvenile services within the Kansas Department of Corrections on the child welfare system.

2018 Child Welfare System Task Force

The 2018 Child Welfare System Task Force continued the work it began in 2017 and provided its final report to the 2019 Legislature, pursuant to 2017 House Sub. for SB 126.

Working Groups

The three working groups established by the Task Force in 2017 continued to study the topics assigned by House Sub. for SB 126 and provided their final recommendations to the Task Force.

Recommendations & DCF Response

The [Report of the Child Welfare System Task Force to the 2019 Kansas Legislature](#) contained 23 recommendations, organized by priority into three tiers. The recommendations within each tier did not reflect priority order. The Task Force discussed, modified and, in some cases, combined recommendations from the working groups to arrive at the recommendations listed below.

Tier One Recommendations

The Task Force adopted the following five recommendations as its highest priority recommendations:

- ***Workforce.*** The State should invest in the child welfare system workforce by increasing funding for recruitment, retention, and support to effectively attract and retain high-quality staff;
- ***Data Infrastructure.*** The State should create a single, cross-system, web-based, integrated case management and data reporting system to be used by DCF and all relevant agencies and stakeholders to efficiently and effectively share information (e.g., education, dental, medical, behavioral);
- ***Families First Act.*** The State should fund and institute the federal Families First Prevention Services Act in Kansas and follow the federal guidelines;
- ***Access to Care.*** The State should require access to high-quality and consistent medical and behavioral health care for Medicaid-eligible high-risk youth through the Medicaid state plan or other appropriate sources of funding; and
- ***Code for Care of Children.*** The Judicial Council should review the Code for Care of Children (CINC Code), especially with regard to how DCF's definition of "non abuse neglect" relates to cases under the CINC Code and modifications to meet the child's ongoing best interests for permanency.

Tier Two Recommendations

The Task Force adopted the following nine recommendations as high priority recommendations:

- *Foster Care Re-entry and Transitional Services.* The State should provide young adults ages 18-21 with the option to seamlessly re-enter the child welfare system, and ensure continuity in medical, behavioral health, and support services for youth who have exited the custody of DCF;
- *Service Setting.* The State should prioritize delivering services for children and youth in natural settings, such as, but not limited to, homes, schools, and primary care offices, in the child's community when possible. The needs of the child and family should be the most important factor when determining the settings where services are delivered;
- *Reintegration Support.* The State should provide consistent, individualized, evidence-based support throughout reintegration for children in need of care and caregivers, including, but not limited to, parents and foster parents;
- *Foster Homes.* The State should invest in foster home recruitment and retention by increasing funding for supplemental training and providing additional financial incentives that support older youth, high-needs children, and birth families, as well as modifying licensing requirements;
- *Analysis of Service Delivery.* The State should establish a working group or task force to conduct an analysis to determine costs to adequately fund high-quality child welfare services, evaluate the benefits of privatizing child welfare services by 2021, and determine the best public/private collaboration to deliver child welfare services. DCF shall determine appropriate outcome measures and periodic evaluations to be conducted to ensure contractors are achieving set outcomes and provide opportunities for ongoing collaboration and review. Summary reports should be provided to the Legislature semi-annually;
- *Safety Net, Early Childhood Programs, and Early Intervention.* The State should fully fund, strengthen, and expand safety net and early childhood programs through public services (DCF, mental health, substance abuse, and education) and community-based partner programs, and reduce barriers for families needing to access concrete supports. The State should ensure availability and adequate access to early childhood behavioral health services statewide. The Task Force recommends consideration of related Mental Health Task Force recommendations 1.2 (Medicaid Expansion Models), 1.3 (Housing), 3.1 (Regional Model), and 6.4 (Early Intervention);
- *Information Sharing.* The State should establish a multi-disciplinary approach and share information across and among stakeholders, irrespective of state borders, in accordance with federal and state laws;

- *Non-Abuse Neglect.* The State should provide differential responses for newborns and refer them to evidence-based services. The Task Force recommends consideration of related Mental Health Task Force recommendations 6.1 (Expand Service Options), 4.2 (Regional Model), and 6.4 (Early Intervention); and
- *Relative Search.* The State should ensure a diligent search for relatives for possible placement begins immediately when a child is removed from the home. DCF should establish benchmarks for relative identification and shall monitor related outcomes, such as number of relatives identified within the first 30 days, number of children in relative placements and length of time for the child to reach that placement, and number of relatives contacted. DCF should regularly report on these benchmarks and outcomes to the Legislature.

Tier Three Recommendations

The Task Force adopted the following nine recommendations as important recommendations:

- *Immediate Response.* The State should provide immediate response 24/7 to hotline calls and dedicated immediate response investigators to be dispatched, when warranted;
- *Front-End Staffing.* DCF should employ highly skilled and experienced front-end child welfare staff;
- *Case Plans.* The State should restructure the case plan process to improve coordination of services among all stakeholders to strengthen collaboration in the case;
- *Post-adoptive Support.* The State should ensure both federal and state subsidies to adoptive families and implement best practices for post-adoptive support services;
- *Maximizing Federal Funding.* The State should conduct an audit of potential funding streams by program area to ensure the State is maximizing federal benefit;
- *Resources and Accountability.* The State and DCF should provide services that are in the best interest of children in their care by supporting a system that is accountable and resourced well enough to provide the needed services. Considerations should include, but not be limited to, the awarding of funds based upon qualifications and not financial factors, improving workforce morale and tenure, and providing technology to improve efficiencies;
- *Serious Injury Review.* The State, in accordance with federal and state confidentiality laws, should formalize a Serious Injury Review Team to establish and conduct a review process both internally and externally for an immediate and necessary response when a child dies or suffers serious bodily injury after having

previous contacts with DCF Protection and Prevention Services concerning prior abuse and neglect;

- *Court Appointed Special Advocates*. The Legislature shall fund Court Appointed Special Advocates (CASAs) to ensure the availability of CASA volunteers in all jurisdictions, without disrupting the current funding CASAs receive from the State; and
- *Physical Access*. The Legislature should fund increased physical access between children in need of care and their families, as well as ensure that families are supported in accessing services as required by the case plan.

In addition to the recommendations, the Task Force asked the Legislature to restore Temporary Assistance for Needy Families eligibility to its pre-2011 status.

DCF submitted to the Kansas Legislature its 102-answer [response](#) addressing the recommendations made by the Child Welfare System Task Force working groups, including the fiscal impact associated with the proposed changes.