

- Andrew Brown – Senior Fellow with The Foundation for Government Accountability

○ Introduction

- Andrew Brown is a Senior Fellow with the Foundation for Government Accountability, a nonpartisan organization focused on promoting better lives for individuals and families through improving health and welfare programs nationwide. He holds a Juris Doctorate from Southern Methodist University Dedman School of Law, and specializes in child welfare policy.

○ Details of the Law

- SB 159 gives families a way to ensure that their children are cared for during times of temporary challenge or crisis
- This bill creates a temporary power of attorney that families can use to give another person limited rights regarding the care and custody of their children for a maximum of one year
 - Powers related to everyday decisions like enrolling the child in school or seeking medical care
 - Does not convey powers of major decisions impacting the child or family like consenting to marriage or adoption, or decisions impacting the rights of the parents of the child
- Parents retain full legal and parental rights regarding the care and custody of their children and may revoke the power of attorney at any time
- Delegation of rights under this bill is entirely voluntary, so the legislation clarifies that the placement is not to be defined as foster care.
- Further clarifies that a parent's choice to provide for the temporary care of their child through the process established by the bill does not constitute abandonment, neglect, or abuse under Kansas law
 - Important to protect the rights of the placing parent and ease any fears that the parent's decision to seek help will be held against them and result in their children being taken away
 - Goal is to empower struggling families to seek help before issues spiral out of control, so it is essential that families feel safe when asking for help, not judged
- Finally, the bill authorizes any child protective investigator to refer families to community resources, like Safe Families for Children, if they believe that it would be an appropriate support for a family subject of an investigation.
 - Despite the record number of children in the Kansas foster care system, the majority of investigations by DCF do not result in removal
 - In many situations, although there is no evidence to substantiate maltreatment and warrant removal, there may still be problems that could lead to the removal of a child if not addressed
 - This clause gives the investigating worker another tool in her toolkit to help a family in need

○ What It Doesn't Do

- Does not terminate or jeopardize the rights of the placing family
- Does not alter an existing court order – if there is a child support or visitation order in place, it remains in place
- Is not a permanent placement – goal is always reunification – POA is revocable and expires after 1 yr

○ Benefits to Kansas

- Having served as a Guardian Ad Litem representing abused and neglected children, I am convinced of the transformational power of the Safe Families model. As a young attorney, the first words I ever spoke in court were recommending that a mother's rights to her children be terminated. She was standing right next to me and broke down crying. Although I firmly believe that this was the right

decision in that case, I still wonder how things could have been different, how that family's life might have been better, if that mother had the kind of help provided by SB 159

- Practically, as Rep. Rhoades / Sen. Pilcher-Cook already alluded to, this bill helps strengthen the services already provided by DCF
 - Investigating workers have another option they can offer to families that meets their immediate and long-term needs
 - Helps reduce caseloads, freeing DCF to focus on the neediest cases and prevent tragedies
 - Since the intent of the bill is prevention, it directly addresses situations that DCF cannot whether because they legally cannot get involved or simply because the family is struggling in silence and hasn't yet come to the attention of DCF
- Cost-savings
 - National average to keep just one child in foster care for a year is close to \$30,000, which comes out of the state's budget and taxpayer's pocket
 - By supporting volunteer-driven programs like Safe Families for Children, Kansas can prevent children from entering foster care, saving the state and the taxpayers money
- The most important impact of this bill is that it gives families in need a lifeline to help them overcome difficulties and become stronger
 - Allows families to proactively seek help because they recognize their need and desire to improve their situation
 - Even though DCF does a great job and is motivated by a desire to do what is best for children, the fact of the matter is that it is frightening when that investigator knocks on your door. Fear is not a great motivator when it comes to strengthening your skills as a parent, but love is.
 - This bill harnesses the power of a parent's love for their kids and gives them a safe environment in which to seek grow