

Testimony before the

Committee on Judiciary

on

**SB410 - Concerning the revised Kansas code for care of children; establishing
a CARE family pilot program for foster care; amending K.S.A. 2015
Supp. 38-2218 and repealing the existing section.**

by

Brian Smith, Superintendent, Galena School District

Today I'm speaking on behalf of, the Galena School District

March 15, 2016

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to testify. We stand opposed to SB 410 for a host of reasons. Our first concern is the lack of any language addressing firearms. A second concern is the apparent lack of accountability in the education of the child. Finally, the requirements included in the bill will negate many outstanding foster care homes.

Many children in the foster care system have suffered unbelievable abuse and neglect, and as a result, these children are struggling with emotional difficulties. Our concern with SB410, is that it does not include any language addressing firearms in the foster care home. We fear that providing children who are already struggling emotionally, with easy access to firearms, may result in them bringing a weapon to school and/or possibly using that weapon against themselves or others. If this bill moves forward, it must include language that protects both the children and those around them from unnecessary access to firearms.

A second issue with this bill, is the lack of accountability language when it comes to children's' educational placement. I have several friends who home-school their children, and have done an outstanding job of providing a quality education, however this is not always the case. There must be a system of accountability in place that ensures that the child receives the necessary support to progress through an educational curriculum at a reasonable pace to keep up with his or her peers. I am concerned that if foster parents choose to home school their foster child, but do not provide a quality education, that as an adult, that child might bring a cause of action suit against the state based on educational malpractice. This would be difficult to defend if the foster care parent did not follow any kind of organized curriculum and did not provide a licensed teacher. Does the state really want to take that chance?

Our final concern is that the language of the bill would exclude many qualified foster care parents. For example, the bill includes the following statement: "...the family is actively, regularly socially involved in their local community..." What does this mean? Some of the best foster care situations I have observed is when both foster parents may not be "socially" or "actively" involved in the local community, but they are professionals who work outside the home. I believe the language of this bill would exclude some qualified, capable foster care parents.

In summary, we are concerned about many issues that are not clearly addressed in this bill. We believe its implementation could lead to legal ramifications for the state of Kansas as well as a tragic situation if a emotionally disturbed child were to gain access to a firearm. Overall, SB410, in its current form, is not in the best interests of the children of Kansas.