



*Strong Families Make a Strong Kansas*

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## House Committee on Judiciary

March 15, 2016

*Testimony on:*

**SB 410**

Written Testimony by:

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Jaime Rogers, Prevention and Protection Services, Interim Director  
Kansas Department for Children and Families  
Topeka, Kansas

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**Chair Barker, Vice Chair Macheers, Ranking Member Carmichael and Members of the Committee:**

The Kansas Department for Children and Families (DCF) values and appreciates the role foster parents fill in the lives of children who have for various reasons been removed from their home and placed in the custody of the Secretary of DCF. Our mission is to protect children, promote healthy families and encourage personal responsibility. Our primary goal is always to ensure the safety of children in our care, achieve permanency with priority to returning them to their family and promote their well-being. Foster parents provide a stable and safe environment for children while they are temporarily placed out of their home. We appreciate all foster families that provide a safe environment for children in need of care. The ideal foster home consists of a married couple, although we realize this is not always an option.

Senate Bill 410 relates to the “CARE family pilot program” and authorizes the DCF Secretary to establish a new category/class of foster care family known as a “CARE family.” DCF strongly supports providing the best possible foster parents for children in the custody of the Secretary and supports providing those foster parents with the training and resources they need in this important undertaking. Our agency greatly appreciates the impact of good foster parents on children who have been removed from their homes due to abuse, neglect or other traumatic experiences.

SB 410, as amended, provides that the CARE family “may” be selected and “licensed” by the Secretary if the criteria requirements set forth in the section are met. The new Section 1. (c), which originally stated that a CARE family’s home “shall not be considered a child care facility and shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto” was deleted in the amended bill. The CARE family would be considered a child care facility, requiring licensure, pursuant to SB 410, as amended. As the proposed language outlines, CARE families must meet certain criteria, most of which is not currently required per statute or regulation. The selection is based upon the criteria set out in the bill which is unrelated to criteria generally used to establish a different “category” of foster home, such as level of care, special needs of child, etc. This would result in a tiered foster parent system which might create unintended consequences. However, if the Secretary pursues the

establishment of a CARE family pilot program, having the program set up as a pilot would allow an opportunity to assess those consequences. Consideration should be given and explored regarding the impact the establishment of a special type of foster home, not based upon level of care, may have relating to Title IV-E funding for foster children.

New Section 1 (e)(1) addresses the right for the CARE family to submit a report on a form created by DCF. K.S.A. 38-2261 currently embodies much of the language proposed in this section. It provides for reports to be made by foster parents. It requires the Secretary to provide notice to the foster parent of his/her right to submit a report. Copies are to be made available to all parties and interested parties. The report is to be on a form created by DCF. DCF has such a report form posted on its website and contained in the Prevention & Protection Services Policy & Procedures Manual. (e)(2) provides that notice is to be given by the courts to foster parents of court proceedings related to CINC matter. K.S.A. 38-2254 currently requires such notice and opportunity to be heard in connection with dispositional hearings, and 38-2265 requires such notice and opportunity to be heard relating to all permanency hearings.

Often, children in foster care will have problematic behaviors due to the abuse and neglect to which they have been subjected in their past. Generally, criteria for a foster family home are based on level of care and focus on the child's needs. This currently serves as the basis for different categories of foster homes, such as therapeutic foster homes. In these cases, the therapeutic foster parent brings additional training and experience into the foster parent and child relationship.

Determination of compliance of the CARE family with certain enumerated criteria must rely upon self-reporting, which is not subject to validation. We would suggest that language be included into the bill that would create a system of accountability for families designated to be CARE families. If this bill was to pass, DCF would need to work with our federal partners through the impact and unintended consequences that might result from passage of this bill, which creates a separate class of foster family.

The bill provides in (f)(1) that a CARE family shall determine how best to meet the educational needs of any child placed with the family and have sole discretion in the educational placement. The bill also provides the CARE family shall be paid by the Secretary from the "juvenile out-of-home placement education fund" for educational expenses incurred for each child who is enrolled in a school district that is different than the school district in which the child was enrolled at the commencement of the current school year, as specifically set forth in what is (e)(2) in the bill as amended. The "actual" educational expenses incurred for each child who is not enrolled in a school district are to be reimbursed in "an amount not to exceed the statewide average state aid per pupil." The fiscal impact to DCF, related to created obligations to administrate payments

to reimburse for educational expenses and provide notice as required by the bill related to education/school enrollment, needs to be reviewed.

The bill also provides that the CARE family with which a child has been placed shall become the educational advocate for such child. The CINC Code provides the parents, whose rights have not been terminated, are to still be involved in such decisions, unless parents are unknown or unavailable (K.S.A. 38-2218). The best interest of each child in the custody of the Secretary shall be considered in light of all facts and circumstances and current language in the CINC Code, regarding educational advocates, should remain and allow for needed flexibility within parameters of current statute.

The bill in (g) sets forth provisions regarding restriction on removal of a child from a CARE family placement by the Secretary. Existing Kansas statutes provide for statutory process as to when a child may be removed from a placement and under what circumstances. The Secretary has charge statutorily over children in her custody, per statute, and should retain authority to protect and provide for children in her care, regardless of the type of foster home in which the child is placed.

DCF is fully supportive of the goal of offering the best possible foster parents for children in the Secretary's custody. Foster parents play a crucial role in a complicated system set up to ensure that the best interests of children are primary.

DCF is neutral with respect to SB 410. Thank you for the opportunity to submit testimony about this proposed legislation.