

March 15, 2016

House Judiciary Committee

Testimony in Support of SB 418

**Hon. Dan Cahill
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Wyandotte County**

Chairman Barker and committee members, thank you for the opportunity to provide written testimony in support of Senate Bill 418. My name is Daniel Cahill and I serve as a district judge in Wyandotte County and as the chair of the Supreme Court Task Force on Permanency Planning. I had the opportunity to also serve on the workgroup that developed Senate Bill 418. The workgroup reviewed the recently passed Federal Strengthening Families and Preventing Sex Trafficking Act and created this bill to implement these changes. As suggested by its title, this act addresses two separate, but related issues: sex trafficking and improvements in the foster care system.

Human trafficking is recognized in Kansas and throughout the nation as one of the fastest growing criminal enterprises today. Among the most vulnerable populations of this insidious crime are those children who, either through running away or because of dysfunction in the home, are separated from their family. This bill places additional tools in the hands of Kansas authorities and further increases reporting requirements to aid in the battle against human trafficking. Specifically, it expedites the reporting of children in the custody of the Secretary who are victims of human trafficking to law enforcement agencies. It also expedites the reporting of children in the custody of the Secretary, who are missing, to law enforcement and the National Center for Missing and Exploited Children (NCMEC) which can provide coordination and support for locating these children. In addition, this bill mandates law enforcement to report missing children to the National Crime Information Center (NCIC).

If enacted, this bill would specifically define children who are victims of human trafficking and sexual exploitation as children in need of care. This will allow for human trafficking victims to receive services under the Department for Children and Families. Under this bill, the Secretary will be required to conduct a validated evidence based assessment to determine the needs of a child identified as a human trafficking victim.

This bill also makes needed improvements to the foster care system. It codifies the definition of reasonable and prudent parenting standard. This standard has been recognized nationwide as a best practice in child welfare and leads to improved outcomes for foster youth. For the first time, courts will be required to assure that the custodian of these children adhere to this standard. The courts will document at each permanency hearing the steps the agency is taking to ensure that the foster family follows the “reasonable and prudent parent standard” and specify whether the child has regular opportunities to engage in “age or developmentally-appropriate activities.”

Youth who are in care and who have recently left consistently report a frustration at the level with which they were consulted as to the crafting and execution of their permanency plan. In recognition of this, this bill requires the court and custodian to ensure participation of children aged 14 years and older to participate in developing their permanency plan. To assist in this, the court is required to send notice of the time and date of the court hearing and obtain

information from the child concerning their preferred permanency outcome. At those hearings, the court is required to specifically document the services to help the youth to transition to successful adulthood. Finally, in conformity with federal law and best practices, it places restrictions around the use of Another Planned Permanent Living Arrangement (APPLA) to youth ages 16 and older and requires the court to document at each permanency hearing, for youth with APPLA, the specific efforts made to place the youth with a parent, relative, or in a guardianship or adoptive placement.

Offenders spent many hours reviewing the Strengthening Family and Preventing Sex Trafficking Act to assure the federal mandate could be implemented without negative impact to the Kansas child welfare system. However, sections 14-16 of SB 418 have not been vetted. I would request that sections 14-16 be stricken from SB 418 until a review of the impact of the legislation can be studied.

I ask that the committee consider this bill favorably with the recommended revisions