

TO: Kansas Senate Committee on Judiciary
Sen. Jeff King, Chair
FROM: Andrew C. Brown, Senior Fellow
Foundation for Government Accountability
SUBJECT: SB 394 (Support)
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Chairman King, members of the committee.

There are more than 6,000 children in foster care in Kansas, and it is no secret that the number of children in out of home placements has risen to record levels in recent years. Tragically, the majority enter care for neglect, rather than physical or sexual abuse. In many cases, these children enter because of a temporary crisis, like homelessness or a medical emergency, which strikes their family while they're already struggling with issues like poverty. These children don't have to be in foster care, but are because the system is overwhelmed and their families can't get the basic help they need.

My name is Andrew Brown. I serve as Senior Fellow for Child Welfare Reform with The Foundation for Government Accountability, a nonpartisan organization dedicated to promoting better lives for individuals and families through improving health and welfare programs nationwide. I'm excited to speak with you today about SB 394, and an innovative solution called Safe Families for Children that is already working in this state to prevent child abuse and neglect by rallying the local community to come alongside families in crisis.

I've spent my career in child welfare, so I understand both the importance and difficulty of the issues you face. While I was still in law school, I had the opportunity to represent children caught up in the child welfare system through my school's legal aid clinic. It was during this time that I spoke my first words in court – recommending that a judge terminate a mother's rights to her children. The mother was standing right next to me and broke down sobbing. While I still believe that this was the correct decision for the good of the children I represented, that moment had a profound impact on me. That mother loved her children, but she just couldn't get her life on track. To this day, I still wonder how this mother's life, and the lives of her children, could have been different if she had gotten the support she needed before things got out of control.

Years later, I learned of Safe Families for Children, a unique charity that mobilizes the community to open their hearts and homes to families in crisis so that they can get the help they need before their struggles become too much to bear. I immediately thought of this mother and her children. This was the solution they needed, and it's a solution that is already working in Kansas.

The concept itself is simple – neighbors helping neighbors during times of trouble. Safe Families organizes through the local community to recruit, screen and train Host Families who volunteer to temporarily care for children while their parents receive the help they need. These host families receive full background checks and serve without compensation. The program itself is overseen by professional staff, often through an existing private child welfare agency, who ensure the safety of all placements. When a parent in crisis seeks the help of Safe Families, they are introduced to a Host Family who is

willing and able to take in their children. If the parent is comfortable, they authorize the Host Family to care for their children while they work to get back on their feet. The unique thing about this arrangement is the parents keep full legal and parental rights, and can pick their kids up at any time. This arrangement allows the parent to address the issues that led them to seek help without the fear that their family will be torn apart. In addition to caring for the children, Host Families also commit to building a relationship with the parents to support and encourage them, ultimately becoming like an extended family to the child's parents. Other volunteers within the Safe Families network support the success of placements by providing friendship, counseling, and meeting the physical resource needs of both the child's parents and the Host Family. Essentially, you are using the power of the local community to provide families in crisis with a social safety net they previously lacked – and it's working.

Safe Families has been serving families in Kansas since 2012 through Lifeline Children's Services. In that time, over 130 children have been helped by the program. Nationwide, the Safe Families network is active in 27 states and has served over 20,000 children. Of these 20,000 children, 90% successfully return home within an average of 45 days and never enter the child welfare system. A child who goes into foster care, by contrast, has roughly a 50/50 chance of ever going home, and the average length of time these children spend in foster care is over 700 days.

We have a real opportunity to make life better for Kansas's families and reduce the number of children in the foster care system. Senate Bill 394 is designed to help proven programs like Safe Families support abuse prevention efforts by giving families the help they need before problems spiral out of control, and providing DSS caseworkers with another tool in their toolbox to support the families they work with every day. Through the process created by SB 394, families are given a safe option for providing for the temporary care of their children while they get the help they need to achieve stability. Parents retain full legal and parental rights and may be reunited with their children at any time. Since the delegation is voluntary on the part of the parents, the legislation clarifies that the placement is not foster care. Most importantly, SB 394 states 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. Remember, the goal of this program is to encourage families to ask for help before problems rise to a level requiring DSS intervention. By letting parents know that their responsible choice to seek help will not be held against them and result in their children being taken away, we remove the fear and empower families to make the changes they need to achieve stability.

Over the last year, we worked with the Judicial Council to craft a legislative solution that is both safe and effective at increasing the positive impact that programs like Safe Families can have in this state. SB 394 is the result of this work, and we are thankful for the Judicial Council's recommendations included in this bill. A few of the most important recommendations included in SB 394 are:

- 1) Limiting a power of attorney executed under this section to one-year in duration;
- 2) Protecting the rights of all parents by stating that a delegation does not deprive any parent, whether custodial or noncustodial, of parental or legal authority with respect to the child, and providing that the delegation does not supersede any court order regarding the care and custody of the child;

- 3) Preventing abuse of the system by prohibiting a parent from executing a power of attorney with the intention of permanently avoiding or divesting themselves of parental or legal responsibility for the care of the child;
- 4) Stating that a delegation does not preclude any investigation into allegations of child abuse and neglect by law enforcement or DCF;
- 5) Requiring that only a licensed child placing agency or nonprofit organization working under an agreement with a licensed child placing agency may operate a program to provide these services; and
- 6) Requiring that all volunteers and employees of a program undergo a child abuse and neglect background screening and a Kansas Bureau of Investigation criminal history record search before being approved to work or volunteer with children and families served by the program.

Thank you for your consideration of this important piece of legislation. The work of protecting children is difficult, but together we can improve the lives of thousands of children and families in this state. I respectfully ask for your support of SB 394 and community programs like Safe Families that help create stronger families.