

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal and State Affairs,

room 526-S, Statehouse, at 1:33 ~~xxx~~/p.m. on January 22, 1990

Committee discussion:

Ms. Hardin's proposed amendments are already in the statutes. "Recommendation that disposition be in accordance with the statute (section and number)" could be applied to this bill.

Commissioner Barnum spoke in support of the bill, Attachment No. 7.

Committee discussion:

1. The primary purpose of the bill is not to ease the adoption of SRS children but it would have that effect.
2. Fiscal impact of the child entering the adoption system is thought to be negligible as costs are less than for the child in foster care.
3. There are approximately 3,000 children in the foster care network - a paid status.
4. The commissioner recommended careful consideration of the negative effects of severing parental rights on any child 14 years and older. It would not be the intent of the committee to create "legal orphans".
5. Figures were not readily available on the average time to termination though it would seem to have a beneficial effect by reducing the number of moves within the system.
6. Statistics on the match between the number of children available for adoption and those actually adopted will be made available to the committee on Wednesday, January 24, 1990, when SRS provides an update on childrens' services.
7. The change in reporting requirements for foster parents is too new to assess its effects.
8. SRS had no statistics on the percentage of support money received from natural parents.
9. SRS deals with special needs children and most require additional effort - large sibling groups, physically or mentally challenged, minority groups - some federal money in the form of grants is available to help with these children.
10. It would be inconsistent to charge for an SRS evaluation and then reimburse for special needs.
11. The chairman requested a fiscal note regarding the cost if the state were to do "the best job possible regarding foster care". This information is to be presented at the January 24, 1990, meeting.

In view of the committee's many questions and concerns, Chairman Barr appointed the following subcommittee to study the problems:

Representative Jenkins, Chairman
Representative Douville
Representative Sughrue

Attachment No. 8 is a statement from Winston Barton, Secretary, SRS regarding the bill.

The chairman reminded the committee that the January 25, 1990, meeting only, will take place in Room 519-S.

The meeting was adjourned at 2:55 p.m. The next meeting of the committee will be January 23, 1990, 1:30 p.m. in Room 526-S.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE Tuesday, January 22, 1990

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Beth Powers	7121 Wotthing Ct. Topeka	Kansas Choice Alliance
Peggy Jarman	5107 E Kellogg Wichita	WHCS
Steven Schmid	Topeka	Peace officers
Lyn Cade	2017 ^{Olathe, Ks. 66062} Jamestown	Parents As Teachers
Cindy Rogers	12125 ^{Olathe, Ks. 66023} Martin	Parents as Teachers
Diberah Kelly	15334 ^{Olathe, Ks} Summer tree	Parents As Teachers
Jenny Webb	18601 Nall Stilwell, Ks	Parents As Teachers
John C Frye	1021 N. OLMANOR Wichita, Ks	
Sister Stella Rosenhamer	251 Indiana, Wichita	
Pat Logan	5424 State LKs	Heart of America Family Services
Beth Stadel Boling	5805 Haskins ^{Ks} Shawnee	Ad Hoc Advocacy Comm & Wyo. of Child Abuse - Mental Health Assoc.
IRMA CARRILLO	1333 So 27th St Ste 200	Wrandotte Coalition For the Preven. of Child Abuse - Mental Health Assoc.
Joyce Brady	Topeka	children
Gon Miller	Topeka	SRS/ADAs
Bill Hess	Wichita	Anthony Family Shelter
Nivea Lewis	Wichita	Anthony Family Shelter
Donna Longbrager	Larnett	American Assoc. ^{AAUW} ^{women} University
Kasne Rogers	"	"
Anne Kindmel	Topeka	AAUW " " " "
Shirley Dwyer	Salina	Youthville (Oasis)
Nesley Young	Newton	Youthville
Cathy M Taylor	1402 W 7th Chshute	PAIC
Ann Meyer	Topeka	Governor's office
Bela Ott	Wichita	Planned Parenthood of Ks.
Irma S. Robinson	Kansas City, Ks	Heart of America Family Services
Mary Holm	Junction City	

KATHRYN SUGHRUE
 REPRESENTATIVE, 116TH DISTRICT
 FORD COUNTY
 1809 LA MESA DRIVE
 DODGE CITY, KANSAS 67801



TOPEKA

HOUSE OF
 REPRESENTATIVES

January 22, 1990

COMMITTEE ASSIGNMENTS
 MEMBER: FEDERAL AND STATE AFFAIRS
 ENERGY AND NATURAL RESOURCES
 RANKING MINORITY MEMBER: GOVERNMENTAL
 ORGANIZATION
 MEMBER: MIDWESTERN CONFERENCE ON
 HEALTH-COMMISSIONER ON
 INTERSTATE COOPERATION

Madam Chairperson & members of the Federal & State Affairs Committee.

H.B. 2315 concerns the code for care of children in Foster Homes.

If after 2 years in a Foster Home the court determines that progress and improvement in the parents home is inadequate, the rights of parents would be terminated, thus allowing the children to be adopted.

This bill places the review burden on the courts rather than S.R.S. so it fits well into our statutes since the court reviews the child's placement every 6 months under the code.

In 1980 the Congress of the United States focused attention on the issue of permanency planning by passage of the Adoption Assistance and Child Welfare Act. This set of laws is designed to ensure that states properly address the need to minimize the use of foster care and move instead toward the placement of children in a permanent "home" situation, if possible. The implications of this effort are far-reaching, in terms of the overall welfare of society.

A former Chief Justice who stressed permanency planning for children in need of care to quote a portion of an address he gave:

"A need coming to the court's attention involves children known under our Juvenile Code as "children in need of care".

Just as cases should not be permitted to "float" in the court system, so these children should not be permitted to "float" in the over-all social service system. Yet, we encounter cases of children who are

moved from foster home to foster home, year after year, or situations where the kind of active supervision which would be most beneficial to a child in need of care is not available."

Recent published reports suggest that up to 90% of killings, rapes, and other crimes against people in the United States were committed by persons who were victims of child abuse. The estimate for Kansas is from 85 to 90%. These are the children under our juvenile code described as "children in need of care." Many of these are the children for whom foster care funds are provided.

The humanitarian aspect of this problem is of paramount importance. However, wholly aside from the humanitarian aspects of the problem, lets talk money, a matter which we all understand. Also viewing the situation as a Monday morning quarterback, we can see the lack of appropriate action is penny wise and pound foolish. Why do I say this?

In Kansas the average monthly cost for a child in a Foster Care home is \$282.45 per month or approximately \$3,600 per year. The cost for group home care is \$1,320 per month or \$15,840 per year. These costs will seem cheap compared to the cost of keeping a prisoner in prison later.

Another disturbing figure is that S.R.S. records show that of the 4,445 children supervised, 1,521 are aged 13 to 16 years of age. Many of these children should have been placed in homes with adoptive parents before they reach this age.

We are always interested in what other states are doing.

The N.C.S.L. conducted a survey of child welfare issues. 37 states that responded, 27 cited statutes that include the condition of the parents as a part of their termination statutes. Five states mention the time of an out of home placement. Termination time mentioned were from reasonable, one year, to two years. States include Delaware,

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Li, Louisiana, Mississippi, North and South Carolina.

H.B. 2315 will help solve some of the many problems that we have with foster care today, money, enough foster parents, insurance, but more important, placement in a permanent stable loving home.

If after 2 yrs in Foster Care improvements have not been made in the parents home that their rights would be terminated thus allowing the children to be adopted.

It seems to me shifting the emphasis of state action to prevention that is routing the child in need of care on the path of citizenship and diverting them from the road that can lead to prison is a sensible approach.

I thank you for the opportunity to present H.B. 2315 and I urge your support.

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Mr. Chairman and members of the Committee:

I am Jean Ann Melia, a foster parent from Dodge City. My husband and I have lived in Kansas all our lives. We farm and have a cattle feeding operation. We have been foster parents for 7 years to 6 different children ranging in age from 8 months to 8 years. We have a son 19, in college, a daughter 16 and a daughter 8, who was previously a foster child. Our longest placement was four and one half years, a girl who was 18 months old when placed in our home- she was in 2 homes for 6 months previous to that. Another child was in our home two and one half years after 2 1/2 years in another home.

I support House Bill 2315 in regard to placing a time limit on natural parents to demonstrate they are willing to make the changes necessary to return the children to them.

Children need and have the right to feel secure, loved and safe, emotionally and physically. A foster child will love their natural parents regardless of how cruel or neglectful they have been to them. It is difficult for a foster parent to hear the child fantasize (or what I see as fantasy) about how perfect and lovely it will be to go back home. "Mom will stop getting drunk, will stop doing drugs, will get a job, we'll get a nice house, Daddy and my little brother will come back" Reality is knowing it probably won't ever happen. Reality is the same child,, when Mom gets kicked out of the halfway house after being caught with drugs, saying in hurt and anger "I knew she wouldn't change, she doesn't want to change, she doesn't care!"

Two years is an understandable time concept to an adult. To a child, two years is forever, maybe longer than they can even remember. Children in foster care are having their physical needs met but emotionally, they are in limbo; a child old enough to remember his parents knows a foster home isn't his real home. Permanency planning is not long term foster care; foster

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homes are also not permanent homes. The child is either saying to his foster parents or to himself "What's going to happen to me? How long will I be here? Will I ever get to go home? Does Mom/Dad love me? Do they even want me back?" And unfortunately many children do not live in just one foster home. Our first placement case involved 6 children and 20 different homes in 3 years. Many children spend many years of their childhood in SRS custody. In fiscal year 1988, 59% of the children in SRS custody had been out of their natural home longer than one year.

I realize that a family cannot make changes overnight but they can demonstrate they are seriously trying to make significant changes. This bill is not directed toward those who are really trying. However, for those parents who cannot or will not "change their circumstances, conduct, or conditions to meet the needs of the child". (Se.38-1583-b,7,8); give the court the authority within a time frame, to terminate parental rights and place the child in a permanent family setting where he can be nurtured and loved.

I realize it is a terrible decision to terminate a parent's rights to their children and it is not a decision that is made lightly. We have been involved in severance proceedings and it is a drastic solution to a drastic situation. Various agencies had worked with that family since 1974, the children were placed in foster homes August, 1982 and the entire process was not completed until 3 of the 6 children were adopted in 1987 and 1988. Two of the other children are still in SRS custody because of severe emotional problems, the other one is 18 and no longer in custody.

Foster children are not chess pawns, they are real live people with feelings, who can be permanently damaged with long term insecurity. Please seriously consider the changes in HB 2315 and give the courts the authority to say "this will not continue indefinitely". Give them this additional tool for permanency planning in a child's life, who has already received less than a winning hand from the adults in his life.

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My name is Pat Anders. I have been a foster parent for about 5 years. I am now employed by Head Start in Dodge City as a Community Aid.

As a foster parent it didn't take me long to realize the importance of a time limit being put on parents of foster children to improve their parenting skills. Or in other words GET THEIR ACT TOGETHER.

If after a set length of time, the parents have not improved their home life or improved on the problem that was there when the child was removed from the home then their rights should be severed so the child has a chance for adoption. A chance to live in a stable and healthy environment.

Why do we give parents more rights than children?

To me long term foster care leaves the children in a place called limbo. They have no emotional ties to anyone. They are usually moved from foster family to foster family. They dangle in mid air waiting for a permanent place in someone's heart and home. Even knowing their foster families love and care for them-----they are still only foster children.

I wish I could show you how confused and mixed up they get. They soon learn to distrust everyone and learn never to show their true emotions. They learn what it takes to keep a foster family happy so they won't get moved and what it takes to make them unhappy so they will get moved. They learn manipulation at an early age. The SRS is manipulated by them too.

We really should have some of these children here to tell you exactly what it feels like not to have a permanent home.

Please don't neglect these children any longer. These same children that we so readily stand by and watch while they are abused and neglected are our future.

Which is worse the parents abuse and neglect or the courts who remove them from a bad environment and put them on a shelf and forget them? House Bill 2315 is a step closer to permanency for these children. A parent who truly wishes to improve can do so quickly if they know their time is limited.

Thank You

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My name is Ethel Peterson. I am presently serving as Director of Guidance for USD 443 in Dodge City and I am a practicing elementary counselor in that system. This is my 14th year of counseling and those years followed many years of teaching. I have spent my entire career working with children, so I believe I know something about them.

First, I know that, for many, being a child is not easy--- it is not the time of joy that some of us recall fondly from our own childhood. For some children, it is a time of terror, frustration, and despair. It is for them that the concept of foster care was devised. Having been physically, sexually, or emotionally abused, they need a refuge, a haven, a safe port in the storm of liife---in other words, foster care. But all of us treasure also the bond between parent and child and we are very reluctant to take one's child away. Therefore, we often return children from foster care to a home and parent that have not changed; then we bounce them back later to foster care. Or we leave them in foster care while a parent vacillates between treatment centers, between new mates, or between times spent with various law enforcement agencies. Sometimes this stretches into years. By the time we finally decide the parent won't make it, the child has reached puberty or beyond. Then, like it or not, we must admit we have failed the child.

I believe it is time we set limits for improvement or change on the part of the parent or caretaker, and if that change does not occur, parental rights can be severed. At that point, the child would be eligible for adoption into a permanent home where love and stability could become a regular basis of that child's life. I think the bill you are considering, House Bill 2315, is a step closer to that goal. It does not take us all the way there, but it does move us in that direction...and I believe we should move slowly and in carefully measured steps.

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(more)

Regarding House Bill 2315
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Some statistics from the Kansas Child Abuse Prevention Council might aid in your deliberations: In Kansas in 1988 there were abuse/neglect reports involving 23,181 children. Of this total, there were 2,586 children who were confirmed as abused and or neglected, and 7,483 children were eligible for services. Think of those numbers, then consider two other statistics: (1) In the five years previous to 1988, reports increased from 30 to 41 per 1000 children; and (2) The cost to the state of Kansas to institutionalize a child in a State Hospital for one year is \$37,000. Foster care costs MUCH less and an adoption placement is even less than that. With rising numbers and rising costs, we must consider positive, pro-active steps to help the children in the most economic manner available. I believe that House Bill 2315 provides one such step.

If you could travel with me in my daily work, I have no doubt that you would pass this bill out of committee and aid in its passage in the full House. The events you would witness would persuade you that children need protection. Today's kids must be ready to run our communities of tomorrow as you and I grow old and hand the reins to them. Will they be properly prepared or will they be prison graduates, addicts, prostitutes and alcoholics? Much of this depends on the quality of their childhood. There is so much you can do to help provide the stability they need. Please give HB 2315 your most thoughtful consideration. Thank you.

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Committee Member on House Bill 2315
House of Representatives
Capitol Building
Topeka, Kansas

Dear Member,

I feel as a parent, local citizen, neighbor, and bystander that we are robbing our Kansas children of their basic right to a secure family life with excessive stays in foster care situations.

We have some wonderful foster care providers administering to the needs of our children removed from their homes for a variety of reasons including:

Physical abuse
Emotional abuse
Sexual abuse
Abandonment

These children who have no extended families, through no fault of their own are being kept in a system with no way out. When families deteriorate and break up the children are the least well equipt to fend for themselves. Our state has a network of foster care units for these children needing immediate and long term housing needs, THIS IS NOT A PERMANENT SOLUTION TO THEIR NEEDS.

These housing needs cover the basics, I agree. A bed to sleep in, food, clothing and medical needs. Whats missing?

A STABLE FAMILY LIFE!
PARENTS WHO ARE PROVIDING THEIR NEEDS PHYSICALLY & EMOTIONALLY!
A FUTURE OF NUTURING!
A PERMANENT HOME!

I feel very strongly that all children deserve parents through childhood. The fact you are the birthparents of a child does not guarantee you will provide that child with any of the things a child needs for a future. All who love their children strive to provide not only basic living necessities such as food and shelter but include love, understanding, safety and security.

I feel children trapped in the foster care cycle for unnecessary extended amounts of time are being robbed of their future.

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To facilitate Kansas children being reunited in homes with "real parents" I support action to direct the court to put the long term welfare of the child the primary objective in every circumstance, NOT THE CONVEINENCE OF THE BIRTHPARENTS.

In reading the proposed legislation I suggest the following changes/amendments to strengthen our commitment to our Kansas children trapped in foster care situations:

1. (b) lines 37-40

Change to every three months. Twice a year is insufficient evaluation in a crisis situation involving the possible long term detainment of a child removed from the home in "temporary" foster care programs.

2. (b) line 46

Hearings should be held at least every 3 months thereafter, not wait up to year with our childrens future in limbo and at stake.

3. (b) line 48

Instead of 2 years change to 18 months.

4. (c) lines 51-52

Change to: terminate the parental rights of either or both parents without delay. Leave remainder intact.

5. (b) line 54

Change to 18 months

6. A provision should be added to the proposed legislation or through creation of a separate bill the removal and termination of either or both parental rights when a child has been removed from the parental/custodial residence for the third time when any type of abuse or neglect is evident. This is regardless to wether the third time is within three months or ten years. There should be no time limit on abusive conditions and removal of the child from these threatening situations. Further, long term, continued abuse of the child in any form is unacceptable when other alternatives are available to be utilized.

I feel strongly about the severing of parental rights for our children in unhealthy, unsecure, abusive, intollerable living situations.

I feel it is imperative we sever parental rights when the childs future is at stake. A child freed from the bonds and burdens of an unstable, abusive parental situation should be eligible immediately for adoption into a family ready and willing to provide that child with a future of promise. No child should be forced to a sentance of family conditions untollerable to any adult with a choice. Our children are our future. When we

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deprive them of years of a stable family and replace that with years in a "temporary" foster care situation we have robbed them of a part of their future.

We have social workers. We have a structure for adoption through SRS for eligible children. We have families willing and desiring to provide the family and support these children need.

I believe now is the time to facilitate a change for the best interests of our children caught up in a permanent "temporary" foster care system designed to be a solution to their parents' incapacities....not a solution for our Kansas children living days to years without a permanent family situation.

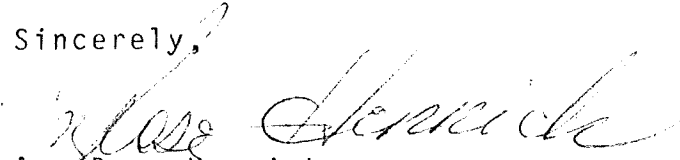
I believe our primary goals for children in foster care should be based on these basic principals:

1. Enable the biological family to be reunited in a stable environment if in the best interests of the child.
2. If the child cannot be reunited with his biological family within 18 months of removal, parental rights should be severed.
3. A child with severed parental rights should immediately be placed in a priority search for adoptive parents in Kansas.
4. If adoptive parents cannot be found within Kansas within 1 year of being eligible for adoption, that child should be available to SRS divisions for placement in any other U.S. state meeting Kansas adoptive requirements and being approved by SRS designated representative representing the child.

This correspondence is long I realize. We are dealing with a long term problem/solution for our youngest Kansas citizens. I feel all ideas contained within are necessary to adequately enable you to visualize the dream I have of all our children in limbo being united with permanent families immediately.

Its now up to you to change this dream of permanent families for Kansas children that I have to the reality of a permanent family for every child who now waits, with a uncertain future.

Sincerely,


Amy Rose Herrick
1919 S.E. Indiana
Topeka, KS 66607
913-273-1116 days
913-233-5242 eve

cc: Anthony Hensley, representative

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HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
HB 2315. JANUARY 22, 1990.

Testimony of Suzanne H. Hardin, volunteer child advocate; Chairperson, Metro Task Force On Emotional Abuse/Neglect; Chairperson, Kansas Grandparents Care Network, Inc.; Founder, CASA, Johnson County; co-author of SB 615, 1984, HB 2262, 1985; foster parent for emergency care, Johnson County; legal guardian of two grandchildren.

8229 Nall Avenue Prairie Village, 648-4906

Chairman Barr and members of this committee:

I am Suzanne Hardin from Prairie Village. I am here to testify in favor of HB 2315 and also, as Representative Sughrue has indicated, to ask this committee to favorably consider amending HB 2315 to include two sections of the present law that sit in four places on either side of the existing K.S.A. 38-1565.

In 1984 and '85 I co-authored four bills which some of you on this committee co-sponsored. The bills passed into law, one of which I am asking you to incorporate into HB 2315 toward the end of my testimony.

We know the problems facing the systems who work with abused and neglected children and their dysfunctional families. I did not have time to research 1989-90 statistics, but I have given you a sheet of 1985 stats which I feel reflects fewer numbers of children than the current figures. In 1985 there were 5,628 children in the custody of SRS. Of that number 3,997 were in foster homes and group facilities. Only 230 of the children were adopted that year.

The significant issue always has been to protect these abused and neglected children from further traumas. However, we all are familiar with the terms "placement trauma", "foster care drift", and "system abuse". I feel the greatest gift we can give these children in out of home custody is permanency...a healthy and loving home setting which can be experienced as dependable and continuous over time.

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HB 2315 addresses this. The amendments narrow the language directing SRS to make its recommendations and juvenile courts to determine termination of parental rights within a specific and more expedient time frame of two years. This bill is significantly important for the well-being of the child.

At this point, I realize I have used the three minutes allotted me. However, with the Chair's permission, may I speak on the amendments I would like to ask you to consider as attachments to this bill? I have handed you copies of sections of the present law surrounding the existing 38-1565. They concern notification of the relatives of the child when the child is removed from the custody of the parent and hearings are scheduled; and preferential placement of the child with relatives or a person with whom the child has close emotional ties when that child is placed away from the parent. The sections where these can be found are as follows:

1. 38-1562. Dispositional hearing. (b).
2. 38-1563. Authorized dispositions. (d) (1).
3. 38-1564. Rehearing. (b).
4. 38-1584. Procedure following termination of parental rights. (b) Notice of dispositional hearing.
(3) Preferences in custody for adoption or long term foster care.

It seems appropriate to incorporate these existing sections into HB 2315. As I mentioned earlier, HB 2262 became law in 1985 having had 19 co-sponsors including Representatives Blumental, Douville, and Wagon. During testimony on the bill, Dr. Herbert Modlin of The Menninger Foundation said that the preference for a child to be placed within a healthy extended family is necessary in order to meet the child's need for a sense of roots and belonging. SRS testified that notification of grandparents is desirable in out of home placements in order for the child to retain family ties, especially when reintegration is the goal.

At this time I would like to ask that these existing sections be amended into HB 2315. I also ask that the committee and a revisor place these

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sections in appropriate places. It is my personal feeling that notification could become (d) and preferential placement (e).

Thank you.

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SESSION OF 1985

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2262

**As Amended by House Committee on
Judiciary**

Brief of Bill*

H.B. 2262, as amended, creates a child placement and child custody preference to relatives, then secondly to another person with whom the child has close emotional ties, under Kansas Code for Care of Children proceedings, and in divorce proceedings concerning the award of nonparental custody.

H.B. 2262, as amended, requires that notification of a hearing or rehearing regarding the placement of a child be given to all the child's grandparents. If the grandparents are no longer living, or their address is unknown, then notification must be given to the closest relative of each of the child's parents whose address is known. Notice of dispositional hearings regarding termination of parental rights, or granting custody of the child for adoption proceedings or long term foster care, shall also be required.

Notice shall be by restricted mail, within 10 days of the hearing, and shall advise the person receiving the notice that they will have an opportunity to be heard.

Relative is defined to mean a person related by blood, marriage, or adoption, but does not include the child's other parent when referring to a relative of the child's parent.

Background

The sponsor expressed a need for the bill as a corollary of 1984 legislation regarding grandparent's visitation rights. A psychiatrist testified that the preference for a child to be placed within the extended family is necessary in order to meet the child's need for a sense of belonging. A spokesperson from SRS stated that notification of grandparents is desirable in out of home placements in order for the child to retain family ties, especially when reintegration is the goal.

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Attachment No. 6A
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HOUSE JUDICIARY COMMITTEE - HB 2262 - FEBRUARY 19, 1985
Testimony of Suzanne Hardin, Prairie Village

- *HB 2262 is in best interest of child by placing child with relatives when removed from parents. Judicial criteria is needed.
- *Notification by restricted mail is needed. Cost = \$1.55.
"Interested party" provision isn't used because no one knows about it. Grandparents will receive the notice:
1)most logical 2)often closest emotional ties with child
3)convenience of notification for system.
- *Who will locate names/addresses? police/SRS routinely obtain this info for their intake report that is sent to D.A.'s office. The Clerk of Juvenile Court gets these reports and sends the notices.
- *Cost effective data from Area Offices of SRS/Foster Parents for Johnson and Leavenworth Counties:
Foster Care for 12 year old for a 30 day month = \$270.00
Relative Care for 12 yr. old for 30 day month = \$ 000.00
Relative Care for same child for same period if relatives apply for limited ADC "shared living"= \$167.00

Johnson County monthly target for Foster Care=\$116,000.
Leavenworth County monthly target for " = \$ 39,000.
Both counties total for the year=\$1,800,000.
- *Savings of Time and Work for the system:There's an unbelievable amount of paper work required when child is placed in Foster Care. SRS must monitor child through entire stay. Less paper work and monitoring of 3-6 mo., when court ordered, when child placed with relatives.
- *Any disruptions for the system? 2262 does not create any disruptions or delays for the system. Other sections of Code require notification of court proceedings. There's ample time to notify between adjudication and disposition
- *Any disadvantages to HB 2262? If someone feels it's a nuisance sending out notification, we look at 2262 as important to child for the rest of child's life. And it is important to generations of that extended family. Any inconvenience is not a reason to oppose 2262.
- *HB 2262 is compatible with HB 2055=the new permanency planning options given the Court and Dept. of SRS.
- *Kansas Grandparents,Inc over 400 members now. Weekly calls and letters of distress over grandchildren in divorce and custody situations. Children need the least disruptive and least restrictive placement and they need the continuum of care and love with family. The extended family and the child should be given every consideration.

Suzanne Hardin

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HB 2262: PREFERENTIAL PLACEMENT OF CHILDREN

THE BILL: HB 2262 allows relatives of the child their "day in court". When a child is removed from custody of a parent, the court shall give preferential placement of the child to a relative providing the relative is appropriate and willing to care for the child. The court makes determination what is in the best interests of the child.

THE TESTIMONY: The Department of Social and Rehabilitative Services.
Herbert C. Modlin, psychiatrist and specialist in forensic psychiatry at The Menninger Foundation.
Arthur C. Cherry, Topeka pediatrician and past president of Kansas Committee for Prevention of Child Abuse.
Wayne Hart, child psychiatrist in Kansas City; on staff at Crittenton Center for Emotionally Disturbed Youth, Marillac Center for Children, Ozanam Home for Boys, and Kansas Neurological Institute.
Jon S. Willard, Olathe attorney and guardian ad litem; 13½ years of experience in juvenile and domestic law.
Suzanne H. Hardin, speech pathologist/audiologist; founder of Kansas Grandparents Care Network, Inc.; founder of CASA in Johnson County and volunteer advocate for children.

THE IMPACT: There are 3,997 Kansas Children in foster homes or group home "drift". In reviewing data from SRS it is apparent that children in foster care are particularly vulnerable to abuse. Particularly tragic is the propensity of these children to move from one foster home to another depriving them of the nurturing experience of a family. The result is a life of violence and abuse. The placement of the child with caring family members will result in a much greater chance of that child growing up to be a useful and productive citizen. For the child, the family is his community. A sense of family continuity is part of our self-perception and our psychological security. We see this need most strikingly in young adults, deprived of family in their young years, who have an obsession about finding their roots. A sense of extended family is a significant psychological need for the total well being of the child.

THE RESEARCH: 10,000 to 15,000 Kansas Children pass through SRS yearly. At any one time 5,000 children are in the custody of SRS. Of these 5,000 Kansas Children there are currently:

- 1) 3,997 in foster homes or group homes/facilities.
- 2) 1,008 placed with a parent.
- * 3) 393 placed with a relative.
- 4) 191 waiting final adoption. 130 of these children will receive monthly payments equivalent to foster care subsidy until the child reaches majority. 230 children are adopted yearly.

Foster Care for a 12 year old for a 30 day month = \$270.00

* A Relative caring for their 12 year old for a 30 day month = \$000.00

THE COST OF FOSTER CARE PER YEAR:

- 1) Johnson and Leavenworth Counties = \$1,800,000.00
- 2) Shawnee and Douglas Counties = \$2,629,848.00
- 3) Sedgwick County = \$3,894,276.00

HB 2262 : PREFERENTIAL PLACEMENT OF THE CHILD WITH RELATIVES RESULTS IN:

- ** 1) Providing the emotional and social environment in which the child can perform most effectively and develop most fully.
- ** 2) Cost effectiveness to the taxpayer.
- ** 3) Savings of time and work for SRS and the courts.

FSA
6A-3
1-22-90

Department of Social and Rehabilitation Services

Testimony before

House Federal and State Affairs Committee

Regarding

House Bill 2315

January 22, 1990

Robert C. Barnum
Commissioner of Youth Services
Kansas Department of Social and Rehabilitation Services
(913) 296-3284

Federal & State Affairs
Attachment No. 7
January 22, 1990

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Winston Barton, Secretary

Testimony in Support of H.B. 2315

An Act concerning the code for care of children, relating to reintegration of child into family.

(Mr. Chairman), Members of the Committee, I am appearing today in support of H.B. 2315. The bill requires the courts to hold a hearing to determine if parental rights should be terminated after a child has been in out of home placement for more than two years, and progress in reintegrating the child has been inadequate.

Concern has been expressed about the extensive length of time some children spend in foster care before being placed for adoption. In many of these cases it is believed that the foster care system could move more quickly to resolve the situation by having the court conduct a review after two years regarding possible termination of parental rights. This would further the cause of providing permanency to children in a timely fashion.

We believe the proposed statute will assist the foster care system to respond in a more timely manner to situations where progress in returning the child home is inadequate. This statute would send an early message, at the time the child is placed, that the parents cannot squander the child's entire childhood in the foster care system.

Winston Barton
Secretary
Department of Social &
Rehabilitation Services
(913) 296-3271

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STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding H.B. 2315

1. Title

An Act concerning the code for care of children; relating to reintegration of child into family; amending K.S.A. 1988 Supp. 38-1565 and repealing the existing section.

2. Purpose

The purpose of this bill is to require the court to hold a hearing to determine if parental rights should be terminated when a child has been placed outside the home for more than two years, and progress in reintegrating into the child home has been inadequate.

3. Background

It is believed that the foster care system permits children to languish in the system while parents make minimal efforts to correct the conditions that caused children to be placed in foster care. This proposal provides a safeguard to prevent foster care drift and encourage a speedy resolution of children's cases.

4. Effect

Implementing this bill could have two possible consequences. In some cases it might motivate parents to get started sooner rectifying the condition that caused their children to be placed by notifying them of the potential consequence. In other cases it may force the system (courts, District Attorneys, Guardians ad Litem, SRS, etc.) to move forward more quickly in freeing children for adoption when adequate progress to reintegrate cannot be demonstrated. The overall effect would be to provide permanence for children more expediently.

5. Recommendation

SRS recommends passage of this bill.

Winston Barton
Secretary
Department of Social &
Rehabilitation Services
(913) 296-3271

Federal & State Affairs
Attachment No. 8
January 22, 1990