

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on February 6, 2003, in Room 526-S of the Capitol.

All members were present except:

Representative Deena Horst - excused

Committee staff present:

Jill Wolters - Office of Revisor

Mitch Rice - Office of Revisor

Jerry Ann Donaldson - Legislative Research Department

Bev Renner - Committee Secretary

Conferees appearing before the committee:

Jane Holzrichter, Personal Safety Awareness Coordinator, Horizons Mental Health Center, Hutchinson

Candace Shively, Deputy Secretary-Integrated Service Delivery-Kansas Department of Social and Rehabilitation Services (SRS)

Marilyn Jacobson, Child Welfare Director-SRS

Carolyn Middendorff-Kansas State Nurses Association

Representative Tom Burroughs

Gary Brunk, Executive Director-Kansas Action for Children

Teresa Schwab, Advocacy Manager-Kansas Children's Service League

Maureen Mahoney, General Counsel-KAW Valley Center Behavioral Health Care

HB 2030 - Requiring persons who are mandatory child abuse reporters to attend an educational program on child abuse and neglect issues.

Chairperson Loyd opened the hearing on HB 2030.

Jane Holzrichter, Personal Safety Awareness Coordinator at Horizons Mental Health Center in Hutchinson appeared as a proponent for **HB 2030 (Attachment 1)**. She attributes the success of her Personal Safety Awareness Program to the requirement that all participants, regardless of their professional education, must attend a 6-hour in-service on "Understanding Child Sexual Abuse" prior to delivery of the program.

Candace Shively, Deputy Secretary-Integrated Service Delivery-SRS. Spoke as a neutral conferee to **HB 2030 (Attachment 2)**. Currently the number of mandated reporters exceeds 28,000. This would represent a significant investment in training to be completed by July, 2004. Increased awareness and knowledge on the part of mandated reporters improves safety for children and decreases the burden on intake staff who must screen reports. Another consideration is the complexity of the outlined curriculum as the bill calls for a review of methods of 'diagnosing injuries' inflicted as a result of abuse. Two Full Time Employees would be required for development and one would be needed permanently to perform future certifications.

Representative Goering expressed concern that the training should be a standardized uniform curriculum whether taught by host professionals or others.

Carolyn Mittendorf representing the Kansas State Nurses Association as Legislative Chairperson appeared before the committee as an opponent to **HB 2030 (Attachment 3)**. A mandated 4-hour course for 34,000 nursing licensees in the state of Kansas would be impractical, if not impossible.

Chairperson Loyd closed the hearing on HB 2030.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at on February 6, 2003, in Room 526-S of the Capitol.

HB 2095 - Legislators allowed to review CINC reports if child is placed in foster care and a victim of certain crimes; certain restrictions apply.

Chairperson Loyd opened the hearing on HB 2095.

Representative Tom Burroughs was recognized to testify in support of HB 2095 (Attachment 4). This bill would allow members of the Kansas Legislature to review records and reports concerning a child in need or care in response to constituent requests for assistance. It protects confidentiality and dictates when report or records may be exchanged. HB 2095 would allow access and oversight when safety is a question for the foster child.

Committee members expressed concern that a legislator might unwittingly jeopardize confidentiality to the detriment of legal actions or other privacy issues.

Gary Brunk with Kansas Action for Children spoke as an opponent to HB 2095 (Attachment 5). He expressed concern that this bill conflicts with confidentiality requirements of federal legislation. The Judicial Council is working on a comprehensive revision of these statutes and plans to present recommendations next year and Kansas Action for Children feels it would be appropriate and prudent to wait for their findings.

Teresa Schwab with the Kansas Children's Service League appeared in opposition to HB 2095 (Attachment 6). Unintended consequences of this bill could result in jeopardizing the integrity of the child in need of care and having their lives and the lives of their families unnecessarily opened to public scrutiny.

Maureen Mahoney, General Counsel with the Kaw Valley Center testified in opposition to HB 2095 (Attachment 7). The intent of current law is to protect children, families and foster families in the child welfare system. Funding for these programs is largely provided by federal monies through Title IV grants with their own confidentiality requirements. The Judicial Council review will announce their findings to the legislature in 2004.

The hearing on HB 2095 was not closed but suspended in the interest of time to be opened at a later date.

HB 2049 - Creating the office of district attorney in judicial districts that vote for approval.

Chairperson Loyd announced the appointment of a subcommittee on HB 2049 chaired by Representative Goering and made up of Representatives Kassebaum, Loyd, Ward and Crow.

The meeting was adjourned at 3:24 p.m. The next scheduled meeting is on February 10, 2003.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE GUEST LIST

DATE Feb 6, 2003

NAME	REPRESENTING
Jane Holzner	Honzys, Mental Health Ctr.
Carolyn Mendensoy	NS of No Gun
Jilly Rhoades	Kansas Coalition Against Sexual & Domestic Violence
Sarah Vincent	Kansas Children's Service League
Ramona Deeksen	KCSL
Teresa Schwab	KCSL
Phyllis Gilmore	BSRB
Chip Wheelen	Assn of Osteopathic Med.
Erik Banner	Rep. Carlin
Debi Hatfield	KDHE
Robert Chromanski	KTLA
GARY Robb	Optometric CSD
Yard Bradford	Inter-Faith Ministries
CRYSTAL WILLIAMS	Partnership for Children
Michael White	KAC
Chief D'Sree	KAC
Gary Brunel	KAC
Mark D'Jae	SRS
Landy Shvey	SRS
Trista Curzydlo	KS Bar Assn
Christina Collins	Kansas Medical Society
LARRY BUENING	BD OF HEALING ARTS
Mark Gleason	Judicial Branch
Lynara South	JJA



Horizons Mental Health Center

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The Honorable Chairperson Lloyd and Committee Members

My name is Jane Holzrichter. Since 1992, I have been the Child Sexual Abuse Prevention Coordinator at Horizons Mental Health Center in Hutchinson Kansas. My formal education is in Social Work and Criminal Justice. . **I am a proponent of Bill 2030.**

In the last twelve years, I have coordinated the Personal Safety Awareness Program (PSAP) this program has been implemented in 67 school districts in Kansas. It also has been piloted in school districts in Vermont, Tennessee and Missouri. The successful outcomes have been partially due to the requirements that all participants regardless of their professional education attend a 6 hour inservice on *Understanding Child Sexual Abuse* prior to the delivery. This comprehensive early intervention based program utilizes a team approach of teachers, counselors, law enforcement officers and mental health professionals to deliver the PSAP to the students in second and fourth grade.

Since 1983, training has grown beyond these groups, to all mandated reporters such as childcare providers, health professionals and at school staff inservices. In 2001, over 900 adults were trained on child abuse in Kansas. It was because of these training's that I began to see a theme develop from the participants. The question was asked "why is this not a mandated requirement by the state". It is my hope, that you will support Bill 2030 on the basis of the state law that was enacted requiring suspected cases of child abuse and/or neglect be reported by mandated reporters. The criminal penalty for failing to report is a Class B Misdemeanor.

My concern is that the state has a mandated law that has not made requirements to offer formal training that will give the tools that are needed. This training is critical to recognize the importance of making a report. These professionals are truly the eyes and ears for these children. Helping them to understand the nature of the abuse; the emotional and psychological indicators; why children don't tell; and language barriers, are all part of the knowledge base that helps reporters know how to recognize and make reports based on the reason to suspect. Law enforcement officers also support the training based on information they know is given when a reporter has gained to much information or overly zealous that can eventually taint the evidence or cause leading questions that will bring challenges in the judicial system.

I have brought to you a handout that I recently used at the American School Health Association Conference in Charlotte, North Carolina. The KDHE and KCSL had approved Inservices that I have provided in Kansas for childcare providers and nurses for continuing education.

I recognize that there are a high number of nurses registered in the state of Kansas. Logistically, I understand it to be a challenge to offer training for these

H. Corr's J.J.
2-6-03
Attachment 1

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individuals and agencies that fall under the health profession. However, my argument stands firm that in their field of expertise they may be the first to see most of these victims. They certainly should be trained to identify and understand the process. The argument against mandating formalize training may be about money and time constraints, but that is not enough of a reason when this profession is looked upon to be in a position to help children stay safe. A workable solution for these groups may be a formalize plan that offers a phase in approach through telecommunications, video, Internet access, links, and independent studies.

By requiring an education component for all disciplines prior to graduation will help to fulfill this mandate in the future. The solution is in the plan of getting the knowledge out and not the \$\$\$ and time to keep it in.

Sincerely,

A handwritten signature in cursive script that reads "Jane Holzrichter". The signature is written in black ink and is positioned below the word "Sincerely,".

Jane Holzrichter, MSW

November 8, 2002

Mike O'Neal
House of Representative District 104
8 Windmere Court
Hutchinson, KS 67502-2020

Dear Mike,

Thank you for taking the time to talk with me on Friday. I am very interested in introducing a bill to the 2003 Legislative Session, to require individuals that are under the Kansas Statute Annotated (KSA), 38-1521 - 38-1522 to have no less than 4 hours of training on child abuse and neglect.

Since 1992, I have worked as the Personal Safety Awareness Program (PSAP), Coordinator at Horizons Mental Health Center. The PSAP has been used in 67 public school districts and parochial schools in Kansas. I have also done the training at conferences/in-services that relate to child sexual abuse in Kansas. In addition to the PSAP, some of the organizations that utilize our services for children in Kansas include; Girls and Boys Scouts, Early Educational Center, Kansas Department of Health and Environment, Child Care Links, ESSDACK, Boys and Girls Club, Head Start, and the nursing staff at the Hutchinson Hospital.

One of the outcomes of the PSAP has been the opportunity to speak on child sexual abuse at conferences across the United States and Canada. Recently, I was in North Carolina at the American School Health Association's Annual Conference and I spoke on the topic of "Recognize, Resist and Report". The PSAP is very unique in the United States regarding the multi-team approach and the two-week delivery system. Several of the states that purchased the PSAP were the States Attorney offices in Vermont and the Chittenden County Child Advocacy Center in Tennessee. One of the themes that continue to come from these sessions is the lack of knowledge on the subject of abuse and neglect by mandated reporters. The debate does not seem to be on the emotional repercussions and the damages it may cause these children, but seeking out an adult that they feel they can trust, and then finding out that the individual does not know "what to do" or "how to report to the authorities". In fact, many individuals have no idea how to interpret the meaning of the statute. The majority of the research supports that mandated reporters often minimize the situation, therefore missing an opportunity for children to get help.

Another issue that I observe is through organizations that have formal written policies on the procedures of making a mandated report. Because of the power structure in schools, employees have stated that they fear retribution from their employer if they report without going through their administration first. This alone, does not always correspond with the statute KSA-38-1525 - 38-1526, (A Guide to Reporting Child Abuse and Neglect in Kansas 1994). I could go on forever on this point, I think I have heard it all. In fact, law enforcement officers find formal training in mandated reporting to be crucial to their investigation when it comes to the number of

cases that they have seen in over zealous reporters tainting the evidence, prior to them arriving on the scene.

My main concern is that many groups such as, educators, childcare providers, law enforcement, social services, health professionals and a host of others have been given minimal, if any formal training on abuse and neglect. On a personal note, I can relate to this, beginning with my Associate Degree in Police Science to my Master's Degree in Clinical Social Work. I received very little training on this and not near enough education that would have given the tools to know what to do, or how to respond. My experience came from years of working with the Sexual Abuse Evaluations and the PSAP and training from my supervisor Rich Line, MS, MSW.

One theme that I consistently hear from the participants is "why is there no formal training required, that will help us to understand the importance of mandated reporting", and "how can we recognize the emotional and behavioral indicators in children that have been abused". My question is why would a state mandate a law that they have given no requirements on training? It is understandable, even to me, why we see people afraid to report. What is unfortunate is that through the fear and lack of education, we are seeing a number of the children being lost to abuse and neglect.

Last January, the District Attorney's office prosecuted one of the more serious cases of abuse in Reno County's history. The outcome was a guilty verdict by the jury. This case was won by the help of a team of professionals that had been trained in the area of child sexual abuse. The teacher was an intricate part of this case, because immediately after the third session of the PSAP the child immediately told the teacher about the abuse that her sister, a neighbor girl, and herself had endured over a long period of time.

In fact, the Defense Attorney brought in a Psychologist from Minnesota to mar the credibility of the program. Long story, short, it did not happen and the testimony of the expert did not go beyond the Motion Hearing Trial. I walked away pleased by the Defense Attorney because after he lost the case he had the respect enough for PSAP, which he paid a compliment to the program and the importance of having early intervention in place to secure the health and welfare of our children. This outcome possibly would not have been the same if the agency would not have instilled a policy at the inception of the PSAP that required all participants working with the PSAP have formal training on child sexual abuse and mandated reporting regardless of their education.

As I travel around to other states, I am pleased to say that I live in one of the most proactive states when it comes to the manner of treatment of laws working with offenders and victims. I hope that you will also see the merit in enacting a bill that requires formal training to mandated reporters to continue this positive tradition.

Sincerely,



Jane Holzrichter, MSW

To whom it may concern:

On 1-26-99 my daughter who is only 10 years old went to school and during class listened to the Horizons Mental Health Center put on a program regarding Personal Safety Awareness. Two days later my daughter had the courage to end four years of her stepfather sexually molesting her. He is now in the criminal court systems facing charges on rape, criminal sodomy and indecent liberties with a child. My daughter had no outward signs that she was being molested, and her relationship with her stepfather appeared to be extremely normal. What my family did not know was that he was molesting her 2-3 times per week as a form of punishment. Without this program my daughter may have continued to be molested—he had already moved on to using foreign objects.

This program saved her from increased brutality. Even in small towns such as Burrton, this program is needed, as a member of my extended family was raped by her father repeatedly as a young girl. As a young girl she did not know that this was not what all fathers did. There was no program in their school to tell her different. This man remains out in the free world with young granddaughters that he is not allowed to be alone with and is beginning to show indecent tendencies towards his granddaughters. I implore you as a mother, victim, and relative of a victim to have a program like this installed in all schools—no matter how small (i.e., Burrton, Buhler, Inman, Buhler and Medora). This behavior does go on in all towns under our noses. Let's stop making it each victim's families "dirty little secret" and stop the brutality to our kids.

Thank you, from a very grateful parent



CATHOLIC DIOCESE OF WICHITA

Office of the Bishop

424 NORTH BROADWAY

WICHITA, KANSAS 67202

May 29, 2002

Ms. Jane Holzrichter, MSW
Prevention Coordinator
Horizons Mental Health Center
1715 East 23rd Avenue
Hutchinson, KS 67502-1188

Dear Jane,

Thank you for the thoughtful letter which you wrote to me on behalf of Horizons Mental Health Center.

I am pleased to know how several communities and parishes of the Catholic Diocese of Wichita have been addressing in a forthright manner the problem of child sexual abuse. We can indeed be glad when advances are made in the understanding of how to prevent and to intervene in any of these sad incidences.

I am happy to know of the initiatives which have been undertaken by the Hutchinson parochial schools through their Personal Safety Awareness program.

I also want to thank you for your generous offer of assistance if at any time we wished to contact you.

With prayerful best wishes, I remain

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas J. Olmsted".

+Thomas J. Olmsted
Bishop of Wichita

TJO/cw

cc: Rev. Richard F. Stuchlik, Pastor, St. Teresa Church
Rev. Ned J. Blick, Pastor, Our Lady of Guadalupe Church
Rev. Brian D. Bebak, Pastor, Holy Cross Church
Rev. Msgr. Robert E. Hemberger, Vicar General & Moderator of the Curia

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

House Corrections and Juvenile Justice Committee
February 6, 2003

HB 2030 - Educational Programs for Reporters of
Child Abuse

Integrated Service Delivery
Candy Shively, Deputy Secretary

For additional information contact:
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H. Corr & J.J.
2.6.03
Attachment 2

Kansas Department of Social and Rehabilitation Services
Janet Schalansky, Secretary

House Corrections and Juvenile Justice Committee
February 6, 2003

HB 2030 - Educational Program for Mandated Reporters of Child Abuse

Representative Loyd and members of the Committee, I am Candy Shively, Deputy Secretary of Social and Rehabilitation Services.

Increasing the awareness and knowledge of those mandated to report suspected abuse and neglect of children improves safety for children and decreases the burden on intake staff who must screen out reports which don't rise to the level of abuse or neglect. Community understanding of child abuse and neglect is an important component of our responsibility to provide safety to children in Kansas.

Currently, SRS provides grant money to Kansas Children Service League (KCSL) to publish and distribute a booklet entitled A Guide to Reporting Child Abuse and Neglect in Kansas to any person requesting information regarding reporting abuse and neglect. In FY 2002, KCSL distributed more than 12,500 booklets. Presentations by KCSL or SRS staff are available upon request within the limits of staffing and budget.

The Committee may wish to give further thought to the feasibility of providing a 4 hour training for all mandated reporters within the time frame set out in the bill. The number of licensed psychologists; psychotherapists; marriage and family therapists; professional counselors; registered substance abuse counselors; licensed child care providers; licensed social workers; and those licensed to practice healing arts or dentistry, or optometry alone, currently exceeds 28,000. K.S.A. 38-1522 also identifies as mandated reporters: persons engaged in postgraduate training programs approved by the state board of healing arts; licensed nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The specific number is unknown but represents a significant investment in training.

The second area of consideration is the complexity of the outlined curriculum. For example, the bill calls for a review of methods of 'diagnosing injuries' inflicted as a result of abuse. The statute regarding mandated reporters states that reporters are



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EXECUTIVE DIRECTOR

H.B. 2030 EDUCATION REQUIREMENT FOR ABUSE /NEGLECT MANDATORY REPORTERS

Members of the House Corrections and Juvenile Justice Committee, my name is Carolyn Middendorf M.S.N., R.N. and I am here on behalf of the KANSAS STATE NURSES ASSOCIATION (KSNA).

The proposals contained in H.B. 2030 would require 4 hours of some standardized "recognition of abuse and neglect course" for all the "required reporters under Kansas law", including the 27,000 R.N.'s in Kansas. There is no debate on the concept that increased education of all mandated reporters would improve timely appropriate reports. Education is always a factor in the degree of compliance with such a statute. KSNA welcomes discussions about how we can provide registered nurses with better information about identifying suspected abuse and their responsibilities to follow-up when they make such an assessment. . Currently, Kansas R.N.'s and L.P.N.'s are required to obtain 30 hours of CE every two years to renew their respective nursing licenses.

From a mechanical perspective however, the imposing a specific 4 hour CE program as a requirement for nurses is very impractical. There are 27,000 RN's and 7,000 LPN's for a total of 34,000 licensees. Assuming an attendance off 100 per program, this would require 340 statewide programs, that is almost 1 every day of the week, *just to meet the needs of the nursing community in the state*. If only 50 attended the program, that is 680 programs statewide annually, and this is 2 programs per day to be provided. If this requirement were to be accomplished in a 12 month period, this would be a little challenging to enforce with nurses, we license every 24 months. A 24 month time frame for the course completion would be more manageable from an enforcement perspective. There is no infra-structure in place *currently* to insure that a standardized curriculum on abuse & neglect could be provided statewide to meet the demands for just nursing to meet the proposed requirement. Mandating a specific course for RN's to attend has never been implemented in Kansas, but it has been implemented in a couple of the 21 mandatory CE states (New York and Florida).

We can't predict with certainty the kinds of mechanical issues that such a requirement would generate, but our initial review indicates that "access to the required course in rural areas", the lack of a current recognized "standardized curriculum" and "the extent to which the demand for such a course would exceed the ability to deliver the course" are the challenges that would exist if H.B.2030 were passed. At this time we cannot support H.B. 2030 for these reasons.

We do take informing RN's about their obligations to report abuse and neglect seriously, every other year in August, KSNA mails to each member the SRS Published Document entitled: " A Guide to Reporting Child Abuse and Neglect in Kansas". We pick these up in Wichita at the Kansas Children's Service League office and mail them out at our own expense. We would be happy to work with the authors of the bill to provide additional courses and information that would assist RN's in their role as mandatory reporters, but a mandated 4-hour course is not the mechanism that we can support at this time. *Thank You.*

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

CONSTITUENT OF THE AMERICAN NURSES ASSOCIATION

H. Corr's, J.J.
2-6-03
Attachment 3

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TOPEKA

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BILL OVERVIEW

It is imperative our children find the love, caring and nurturing environment they so desperately deserve, one free of violence and personal violation that so many have experienced.

We cannot and must not ignore the please and requests by those who have concerns involving the safety of Kansas foster children.

This bill amends KSA 38-1508 and KSA.2000 Supplement 38-1507 and repeals the existing section.

Presently, 38-1507 sets out to protect the privacy of children who are subject to a child in need of care record or report. It clearly dictates what and when the report or records may be freely exchanged and what provisions are in place to enforce confidentiality.

What the statute presently does not allow is for members of the Kansas Legislature to review records and reports concerning a child in need of care. I have attempted to identify circumstances allowing access to the records and reports. In addition, there is a formal procedure, notification process and time frame in which such records and reports shall be made available upon filing of the request.

The confidentiality sections presently in the bill are clear and speak to the liability of knowingly disclosing information unless otherwise provided by law.

I call upon my colleagues to support legislation providing protectionism for the Kansas foster children but allows for the Legislature to have access and oversight when their safety is in question.

*H. Corr & JJ
2-6-03
Attachment 4*



KANSAS ACTION FOR CHILDREN

Making a difference for Kansas children.

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February 6, 2003

To: House Corrections and Juvenile Justice Committee
From: Gary Brunk
Re: House Bill No. 2095

Kansas Action for Children does not support adoption of this bill in its current form. We believe the intent of HB 2095 is to improve the child welfare system. We applaud that intent, but are concerned that the bill could result in serious negative unintended consequences.

The child welfare system in Kansas has undergone tremendous changes over the past several years. The impact of those changes has been mixed, and it is possible to point to areas where the system is better and to areas where much work remains to be done. We certainly support efforts to scrutinize and analyze problems in the system that may result in harm to children or families. This is particularly true when because of abuse or neglect a child dies or comes close to dying. In those cases we have a responsibility to do anything in our power to understand the antecedents of such a tragic outcome. That understanding is an urgent moral responsibility: we need to use that knowledge to inform efforts to improve the child welfare system in ways that will prevent future fatalities.

However, there are a couple reasons we urge the committee to not act on this bill now. First, we are concerned that the bill conflicts with confidentiality requirements of federal legislation. Hopefully others will testify today about this issue, but the important point here is that this could result in the loss of millions of dollars that are essential to the functioning of our foster care and adoption system.

Second, and equally important, is the need to thoughtfully review all the statutes covering children in need of care. The Judicial Council is working on a comprehensive revision of these statutes and plans to present recommendations to the Legislature next year. We think it would be appropriate and prudent for the Judicial Council to integrate the intent of this bill in its recommendations, and believe that is the course that will result in a set of statutes that can best serve the best interest of children in need of care.

We understand that there are times when it is useful for legislators to gain information about specific cases. However, we urge this committee to carefully review the access already provided in state law to members of certain committees or to all members through the courts. My point is not that we should not seek to improve such access, but rather that until we work out how to do it better we should not underestimate the access already available.

Finally, we want to underscore how important it is to not only strengthen the relevant statutes but to also strengthen the infrastructure of services that can prevent abuse and neglect. Much needs to be done in this area in Kansas. I will not go into details about the kinds of improvements that are needed, but I have attached a couple relevant sections of a forthcoming KAC report.

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Gary Brunk

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A Member of the National Association of Child Advocates

H. Corr & JJ
2.6.03
Attachment 5

Strengthen Prevention Programs

Child Protective Service Reform

With the number of investigations of abuse and neglect by Kansas Child Protective Services (CPS) in recent years reaching nearly 26,000, the time for systematic reform is now.

Kansas needs to transform CPS so it not only has the capacity to protect children who need to be removed from the home but is also equipped to serve families at risk so most children can be safe at home. CPS must also be ready to respond to different family situations through different remedies.

The traditional CPS model functions like a light switch. If reported child maltreatment is substantiated with evidence, the light goes on and the flow of services begins. As a result of overwhelming caseloads and limited resources, if the case does not fall within the definition of abuse or neglect, the light goes off and families' needs are not addressed. Experts say some situations in the latter category could benefit from attention to prevent CPS involvement in the future.

An emphasis should be placed on developing a continuum of family support and prevention programs to avoid crisis-oriented interventions in the first place. Several states are implementing CPS reforms that seek to both protect children and support families. The key elements of these efforts include:

Multi-tiered response

In a multi-tiered response system, reports of abuse and neglect are evaluated according to the severity of the threat to the child. Cases where there seems to be sexual and/or serious physical abuse and neglect are referred for a traditional investigation and possible removal of the child. Cases where there seems to be no immediate threat to the child receive a family assessment and are referred to appropriate services.

Family assessment

A family assessment is an important component of these reforms. In the traditional CPS investigation, the caseworker's

primary responsibility is to obtain the facts that can be the basis for a court's finding of abuse or neglect. The role of the caseworker doing a family assessment is quite different, since the emphasis is on determining if services can be provided that will allow the child to remain safe at home.

Community-based staff and community collaborations

In these reforms, CPS staff is often placed in communities with significant numbers of abuse and neglect reports. CPS staff also involves community organizations in collaborative efforts. In some cases, teams made up of CPS staff and workers from other public and private agencies work with the family to develop a plan and provide supports and services.

A plan based on these reform efforts should be developed and piloted in two or three Kansas communities. Such a plan could build on the experience of the Case Management Project, which has been coordinated by the Children's Alliance. It could make use of current SRS staff and include contracting with community-based service providers.

While the improvements outlined above deal with the "front end" or before children and families enter the system, changes are also needed to the "back end" or after entering the system.

Fragmentation of service

Many families served by the CPS are also receiving services from other state and local agencies (e.g. health, mental health, housing, income supports). Families are caught in a maze of agencies whose caseworkers have little or no communication, and whose services are not coordinated to provide the families with a full array of needed supports.

Better coordination across agencies in the form of intake resource centers could get services to people who need them most. A good example is the Children, Youth and Families Resource Center in Topeka. It serves as a "one-stop shop" for families to gain access to the full continuum of care from a variety of agencies.

What's good for the child is good for the state

Children deserve a safe and stable environment. CPS reform will allow the state to solve problems before they get out of hand. Investing in prevention programs now will save the state money later.



Strengthen Prevention Programs

Family Preservation

Until we have a continuum of family support and prevention programs that can serve low and high-risk families, the child welfare system will continue to feel pressure from having thousands of children in out-of-home placements. Currently, family support and prevention services in Kansas are underdeveloped.

Intervention versus prevention

Family Preservation is a critical prevention-oriented program within SRS. Still, the agency's Web site describes it as "intensive in-home services offered to families who are in imminent danger of having a child come into the custody of the department and removed from their home unless the family can make the changes necessary to provide adequate care and safety." A prevention-focused approach would include serving families who are at risk of child abuse and neglect with programs such as the ones below.

What services are available?

In Kansas, the continuum of support services includes:

■ Healthy Start Home Visitors Program

Offers home visits to all pregnant women and mothers with infants under age 1, with priority given to high-risk families. Home visitors provide information and referrals to support services, and screen for child abuse and neglect.

■ Parents As Teachers

An early childhood parent education and family support program serving families throughout pregnancy until their child enters kindergarten. The program is designed to enhance child development and school achievement through parent education accessible to all families.

■ Early Head Start and Head Start

Comprehensive child development programs which serve children from birth to age 5, pregnant women and their families. They are child-focused programs and have the overall goal of increasing the school readiness of young children in low-income families.

■ Four-Year-Old-At-Risk program

Provides early education services to 4-year-olds who are considered at risk due to poverty, teen parents minor developmental delays, limited English skills or other risk factors.

Features of programs proven effective with high-risk families:

- Initiated prenatally or at birth
- Voluntary participation
- Intensive (at least once a week) and long-term (3-5 years)
- Comprehensive, focusing on parents, parent-child interactions and child development
- Emphasis on linking families to a range of community services
- Ongoing and intensive staff training and evaluation

Gaps in services

Although the programs outlined above provide valuable services, the state lacks a continuum of care, especially for children between three- and five-years old. Even when programs exist, many children do not have access because of limited service areas and limited funds.

Access for all

KAC has advocated for funding for programs such as Healthy Start and Parents as Teachers to make those programs available to all interested families. But many communities still lack those programs or have long waiting lists.

Better coordination

In addition to limited funds, lack of statewide coordination of family support and prevention programs is a serious problem. Existing programs are funded through several state agencies including SRS, Juvenile Justice Authority, Department of Health and Environment, Office of the Attorney General and the Department of Education. Statewide planning and coordination present ongoing challenges within those programs.



What's good for the child is good for the state

Perhaps nowhere is it clearer that prevention pays off than when comparing the costs of family preservation versus foster care. It costs about \$4,000 a year to provide preservation services to a family with three children, but it can cost \$75,000 a year if those children end up in foster care.



**Kansas
Children's
Service League**

**Testimony before the
House Corrections & Juvenile Justice Committee
Regarding House Bill 2095
2/6/03**

Mr. Chairman and members of the committee, I am Teresa Schwab, Advocacy Manager for Kansas Children's Service League. KCSL is a not-for-profit child welfare agency serving children and families across the state. Our services span the areas of prevention, early intervention, treatment and placement.

I would like to thank you for the opportunity to offer testimony in regards to House Bill 2095, which concerns opening records of children in state custody to legislators under certain circumstances.

We support the public's right to access of information and agree that individuals or agencies must be held accountable to the children they are charged to protect. In reviewing the language of this bill, however, we realize there may be many unintended consequences should this bill pass. Our utmost responsibility is to protect the integrity of the children we serve and to protect them from having their lives, and the lives of their families and siblings, unnecessarily opened up to public scrutiny.

Already, there are several avenues in place for legislators to get access to information regarding a child in need of care (CINC) case.

- Within the current CINC statute, an order of the court may be made to open records if deemed in the best interest of the child.
- Members of certain standing house or senate committees can obtain access to records when needed in carrying out official functions of the committee.
- Birth and foster parents may authorize a release of information from the Department of Social and Rehabilitation Services (SRS), which allows legislators access to information about the parents.

We feel these current points of access are sufficient to allow legislators access to information should it be needed to provide oversight or to effectively respond to a constituent's concern.

In addition to practice implications, there are federal requirements under Child Abuse Prevention Treatment Act (CAPTA) and Health Insurance Portability and Accountability Act (HIPAA) that must be considered so as not to jeopardize federal funding or put individuals at risk for civil or criminal penalties.

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WICHITA



H. Corr's J.J.

2-6-03

Attachment 6

Since 1982, there have been several amendments to the CINC code. We believe any further changes to state confidentiality statutes must be done with significant thought and planning. Because of this, **we recommend referring the changes made in this bill to the Judicial Council for their review.**

The Judicial Council is currently in the process of a comprehensive review of the CINC code, and plans to have their recommendations completed to present to the Legislature next year. The Judicial Council will have the opportunity to consider these changes and assist the state in designing processes and safeguards for children and families.

Allowing the Judicial Council to review the changes proposed in this bill will allow them to do so in the context of their other recommendations as well as with consideration of compatibility with federal law.

Thank you for your time and attention to this matter.

House Bill No. 2095
February 6, 2003

KVC has been caring for children and families for over thirty years. We offer a full continuum of services including behavioral health and independent living as well as foster care and residential care. We are also a child placing agency and accredited by Joint Commission. Our newest services include Pediatric Services and a 15-bed Psychiatric hospital located at our West facility in Kansas City, Kansas.

Since KVC is an agency based in Wyandotte County, we are of course aware and saddened by the recent events involving a child formerly in state custody. There is nothing more horrific for persons who work in this field.

KVC agrees and applauds the efforts of the Committee to attempt to address the confidentiality issue in such cases. Having worked in this system as a provider, I personally have been frustrated at my inability to respond but as a lawyer, I respect the law and the intent behind it; to protect children, families and foster families who are part of the child welfare system. I have sat through legislative sessions for years and listened to conferees who told their story while I listened, knowing there was another side to the story. I am also a proponent for a free press in our democratic society. So I am interested in your efforts to address the issue. However, there are a few questions I ask the Committee to consider.

Funding for foster care and adoption relies heavily on federal monies through Title IV grants with their own confidentiality requirements. In a time when every dollar counts to provide needed services for children and families, one would want to insure that any legislation would not jeopardize our federal dollars.

Congress has passed the Health Insurance Portability and Accountability Act (HIPAA) that protects all medical information and includes mental health information as well. The Act becomes effective April 16, 2003 and carries severe penalties for any person or organization that violates it. SRS and all providers of services to children in these contracts are subject to HIPAA. Certainly information in foster care and adoptive files would have such information. The effect of HIPAA on the proposed legislation is not clear.

K.S.A. 38-1507 has been in existence since 1982. Since that time, it has been amended fifteen (15) times. Sometimes these changes create unintended consequences. For example, this legislation would give every legislator all information without limiting access to a child's death or life-threatening injury. It appears all previous placements would be made public even if those placements were not connected with an injury or death. Families who consider becoming adoptive or foster families go through and intense ten-week training and are asked difficult and personal questions. Would this information also be available to legislators? This would diminish anyone's efforts to recruit foster families.

H. Corr & J.J.
2-6-03
Attachment 7

This is not about hiding behind the statute. You make the law. I follow it to the best of my ability. As I mentioned earlier, I would prefer to tell you the work we have done and the other side of the story. But we see children who don't want anyone to know they are in state custody and take great pains to keep it secret at school, for example. We work with birth families who don't tell extended family that they are involved in the state system. Each child in the system touches many others through school or if older work. They have extended families and foster parents. Does this extend to information about all of them? This legislation could cause distress to many beyond the targeted group.

The Judicial Council is in the process of reviewing the Child in Need of Care Code with the intention to make recommendations to the legislature in 2004. Their task is to consider changes while staying cognizant of other Kansas statutes and federal requirements so there will be no conflict of laws.

These changes need to be made thoughtfully and deliberately. It is our hope you will allow the Judicial Council to make the appropriate changes to protect the children and also allow the necessary information to reach those who should receive it.

Respectfully submitted by:
Maureen M. Mahoney
General Counsel
KVC Behavioral HealthCare