



## **Testimony from the Office of the Child Advocate Joint Committee on Child Welfare System Oversight September 11, 2024**

Chair Concannon, Vice Chair Gossage, Ranking Minority Member Ousley, and Members of the Committee, I am Kerrie Lonard, Acting Child Advocate with the Office of the Child Advocate (OCA). Thank you for this opportunity to provide testimony today.

Please find included in testimony OCA Quarterly Snapshot and map showing number of complaints received within each DCF Area.

### OCA Update:

- OCA, merge with KDCA and transition as of July 1, 2024, per Senate Bill 115.
  - New State Logo
  - Working with support services to ensure continuity and enter into agreements as needed with the Department of Administration Office of Personnel Services, Office of Accounts & Reports, Office of Financial Management, and Office of Information Technology Services.
  - Initial discussions with the Attorney General's Office.
  - Initial discussions with the Kansas Department of Corrections (KDOC).
  - Established expanded access to ecourt through the Office of Judicial Administration.
  - Working with State Printing to provide signage to DCF and contracting entities receiving public moneys for the care and placement of children that provides information about OCA and procedures for contacting the office.
- OCA launched its new website, with the direction of the Office of Information Technology Services, on July 31, 2024. The website handle is [www.childadvocate.ks.gov](http://www.childadvocate.ks.gov). We hope that those visiting the site will find the new format to be user friendly no matter what type of device you are using.
- OCA has met with all primary foster care case management providers for the quarterly check-in, including review of SB 115 and expected changes as OCA.
- OCA continues to work with stakeholders and community engagement opportunities as a participating member and/or contributor, including but not limited to the CAPTA Citizen Review Panels (Intake to Petition/CJA Taskforce and Custody to Transition) and Kansas Linking Infrastructure for Nurturing Kids (KAN-LINK) Steering Committee.

- OCA Child Advocate is participating as an ad-hoc member on the Judicial Counsel's JO/CINC Law Advisory Committee studying the 2024 HB 2381 and the GAL system.

The OCA Team continues to work diligently to bring voice to the concerns of our Kansas children and families touched by our child and family wellbeing system, from a position of independence and neutrality, and working to advocate for and support best practices to keep children safe from abuse and harm.

### Themes and Policy Considerations:

The following themes and policy considerations remain priority concerns throughout the OCA complaint process. Communication, both timely and quality, continues to be a critical component. And of even more significant impact are the challenges around recruitment, training, supervision, and retention of qualified workforce. Important to note is the impact and intersection of each theme and policy.

- ❖ Intersection between impact and authority of the Court, Department for Children and Families (DCF), and the Case Management Providers (CMP). OCA applauds the collaboration and efforts of all three branches to hold the first Judicial Child Welfare Summit and the ongoing work happening within each of the judicial districts as they take steps to implement their local plan.
  - High-Quality Legal Representation
    - Explore models, funding, and best practices for quality legal representation
      - Explore Title IV-E funding for legal representation, as well as other funding streams
- ❖ Reduce the Number of Children and Youth in Care
  - Placement Stability and Mental Health
    - Lack of community mental health resources and family supports leading to a child entering care and further exasperated while in care
    - Barriers in securing appropriate services, including level of treatment due to Medicaid and MCO determination process
    - Continue to support community-based prevention mental/behavioral/developmental health services, family supportive substance use treatment programs, affordable childcare and early education programs, and other initiatives that address ensuring families have their basic needs met
      - The shift to Community Behavioral Health Centers and Medicaid billable coding is an important step to expanding the mental and behavioral health service array
  - Encourage education and collaboration between law enforcement and DCF to ensure timely communication, utilizing pre-petition services (i.e. Family First and Family Preservation services, Team Decision Making (TDM) meetings, and the 4-Questions) prior to removal. In addition, engage in local discussions with court

- team and others regarding applicability and appropriateness of Informal Supervision with court oversight (see K.S.A. 38-2244)
  - Permanency
    - The support of the Legislature to pass into law, SOUL Families, was an important step to providing a new avenue for our young persons to achieve permanency
    - Encourage exploration around the validity and enforceability of post permanency contact agreements
    - Distinguish Safety versus Risk
      - Consider statutory provisions that more clearly define neglect
      - Timely Reunification
        - Improved Parent Engagement
          - Foster positive relationship between parents and placement
          - Include parents in medical and educational appointments and decisions
          - Ensure case plan goals/tasks are clear, measurable, necessary, and address the reasons for removal
        - Support Family Time as a key component and right for the child, not just the parent
        - Support program initiatives that support children and families following reintegration such as intensified aftercare services
      - Timeline to permanency following parental rights termination.
        - Improved concurrent planning
        - Improve timeline for identifying the adoptive resource
- ❖ Emerging or Reemerging Issues
  - Placements not receiving accurate information regarding a child's needs, behaviors, diagnosis, and history, creating unsafe situations for both child and placement and contributes to placement disruption. This issue is further exacerbated when a child is placed in an emergency respite placement or night-to-night, often with missing documents, personal items, and medications.

The OCA Team looks forward to continued collaboration with the JCCWSO and other committees as data is reviewed, information and education provided, to best formulate future recommendations and policy initiatives.

I am pleased to stand for questions at the appropriate time.

Kerrie Lonard, JD, MSW  
Acting Child Advocate

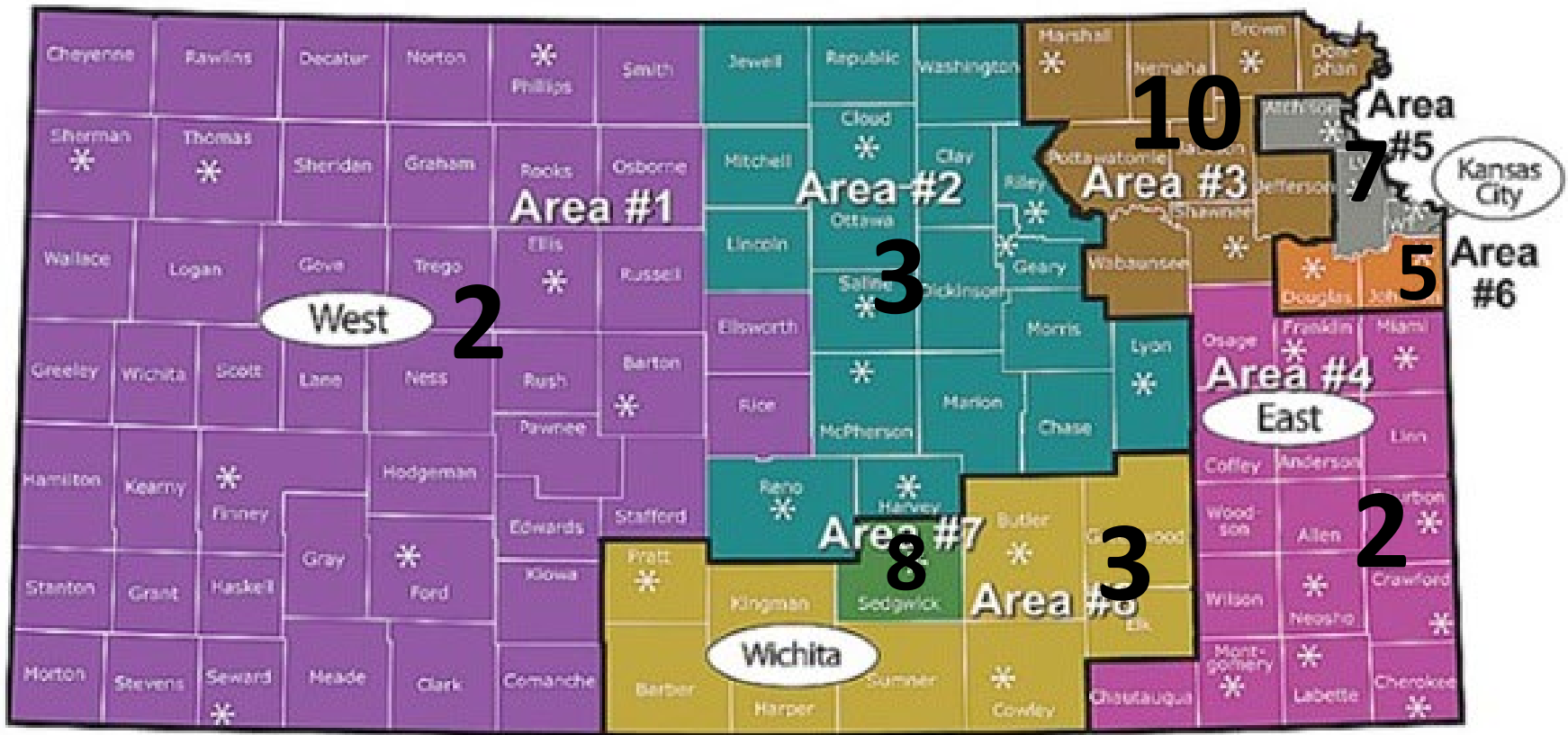


INVESTIGATION OUTCOMES					
Outcome—Formal Reports Issued	Q1	Q2	Q3	Q4	Annual
Supported	13	17	13		
Unsupported—With Recommendations	8	5	1		
Unsupported—No Recommendations	14	11	8		

COMPLAINT INVESTIGATION ACTIVITIES											
	Q1	Q2	Q3	Q4	Annual	No Formal Investigation	Q1	Q2	Q3	Q4	Annual
Complaints Received	55	72	40			Out of Scope / Duplicate	2	4	0		
Children Involved	90	112	65			Complaint Withdrawn	0	0	0		
Formal Investigation Opened	12	16	11			Loss of Contact	6	4	3		
Complaint Assessment/Monitoring	1	4	3			Resolution Reached with Assistance	41	63	31		

TOP CONCERNS REPORTED—2024 YTD				
Agency Conduct	Child Safety	Dependent Child Health, Well-Being, and Permanency	Family Separation & Reunification	Other Issues
<i>39 Complaints</i>	<i>36 Complaints</i>	<i>19 Complaint</i>	<i>52 Complaints</i>	<i>17 Complaints</i>
Communication Failures	Failure to Protect Children from Parental Abuse or Neglect	Failure to Provide Child with Adequate Medical and/or Mental Health Services	Failure to Provide Appropriate Contact Between Child and Parent and/or Other Family Members (excluding siblings)	Lack of support and/or services to foster parent
Unwarranted/Unreasonable/Inadequate Agency Intervention	Failure to Address Safety Concerns Involving Children in Foster Care or Other Non-Institutional Care	Unreasonable Delay in Achieving Permanency	Unnecessary Removal of Child from Parental Care	Failure to Provide Parent with Services / Other Parent Issues
Poor Case Management, High Case-worker Turnover	Failure to Address Safety Concerns Involving Children Being Returned to Parental Care	Unnecessary or Inappropriate Change of Child’s Placement, Inadequate Transition to New Placement	Other family separation concerns	Concerns with Judicial Process

Q3 data inclusive of dates 7/1/2024 through 9/5/2024



\* DCF Service Center

— DCF Regions

1	St. Francis Ministries	2	St. Francis Ministries	3	KVC	4	TFI
5	Cornerstones of Care	6	KVC	7	EmberHope	8	TFI