

September 11, 2024

2024 Joint Committee on Child Welfare System Oversight

Hon. Kellie E. Hogan

Sedgwick County District Court Judge

Chairwoman Concannon and members of the committee, thank you for the opportunity to appear today to discuss the Supreme Court Task Force on Permanency Planning (SCTFPP). My name is Kellie E. Hogan, and I am a District Court Judge in Sedgwick County. Currently, I hear cases involving family law, like divorce actions or child support and custody issues. My prior assignment was in the Juvenile Department where I presided over child in need of care and juvenile offender cases. Prior to taking the bench, I worked in child in need of care cases across the state. The bulk of my 24 years of experience is as a guardian *ad litem*, the attorney who represents the best interest of the child. In addition, I have prosecuted cases seeking termination of parental rights and represented grandparents, foster parents, and parents in child in need of care proceedings. Also, I represented many grandparents and foster parents in adopting children who were in the foster care system. Outside of the foster care system, I helped many grandparents and other relatives obtain guardianship, thus avoiding the need for a child in need of care case. I am honored to be asked to appear before your committee. I have structured my written testimony in response to the general information the committee requested.

## **The Supreme Court Task Force on Permanency Planning**

Please provide:

- An overview of Task Force's function as it relates to the Kansas child welfare system;
- New initiatives the Task Force has implemented.

The Supreme Court Task Force on Permanency Planning (SCTFPP) was established in 1987 through Supreme Court Rule 1601. The purpose of the SCTFPP is to demonstrate meaningful, ongoing collaboration between district courts, the Kansas Department for Children and Families (DCF), child welfare partners, and Indian tribes in Kansas. This collaboration is documented through the development and implementation of a strategic plan, of which the SCTFPP monitors progress. The Kansas Supreme Court is annually awarded a federal Court Improvement Project (CIP) grant. The SCTFPP provides oversight to this grant by identifying needs and advising the Supreme Court on the purposes, projects, and functions of the grant.

The SCTFPP consists of 21 members who offer perspectives from various areas of child welfare: District court judges; district magistrate judges; Indian tribal courts; (DCF); parents' counsel; guardians *ad litem*; prosecutors; Court Appointed Special Advocates (CASA); Citizen Review Boards (CRB); mental health/behavioral health community treatment providers; substance abuse community treatment providers; the state department of education, domestic violence programs, parents/foster parents, and foster care alumni. The Chief Justice of the Supreme Court also appoints one justice to serve as liaison to the committee.

The committee identifies needs in the child welfare system and addresses those needs through projects in the CIP strategic plan. The committee meets about 10 times each year to approve, monitor, and assist in implementation of projects in the plan. The projects include:

## **Current Projects**

### **Certification of CASA and CRB Programs statewide**

The Kansas Supreme Court adopted standards requirements for Kansas CASA and CRB programs. Annually, all Kansas CASA and CRB programs are reviewed for compliance with the standards. Upon successful review, the programs are granted certification. If issues of non-compliance are identified, the Office of Judicial Administration (OJA) works with the program to regain compliance.

### **Best Practices in Child Welfare Law trainings**

Training to increase expertise within the legal community and the broader child welfare system is provided a minimum of twice per year. Training needs are identified through various means, including post-training surveys, results of the Department for Children and Families' Child and Family Service Review, and statutory changes. Generally, these trainings are held in August and April, annually, and are open to all child welfare professionals. The Best Practices in Child Welfare Law training in August 2024 focused on permanency options, including SOUL Family legal permanency, and termination of parental rights. In April 2025, the training will focus on trauma informed practice and understanding generational trauma.

### **Annual Child in Need of Care (CINC) & Juvenile Justice (JO) Code Books**

CINC and JO law is a specialized area. Each year, in partnership with the Revisor's Office, OJA prints CINC and JO code books for the legal community and child welfare partners. These books are meant to provide quick and easy access to the most current law, which may lead to better legal decisions for children. Code books are distributed by local CASA programs or chief court services officers in each district. Between 2000 and 2500 books are distributed annually.

### **Brainshark training for guardians *ad litem***

Guardians *ad litem* are required to complete certain training and education requirements under Supreme Court Rule 110A. Historically, OJA provided this training once a year. Several years ago, in partnership with Wichita State University, OJA created on-demand, web-based training designed to meet the requirements of Supreme Court Rule 110A and increase capacity for guardians *ad litem*. The multi-module training focuses on child in need of care law,

permanency, cultural competency, mental health and substance abuse, education, and the requirements of a guardian *ad litem* as outlined in [Supreme Court Rule 110A](#).

### **Criminal record history inquiry for Court Appointed Special Advocate (CASA) and Citizen Review Board (CRB) staff and volunteers**

Standards for Kansas CASA and CRB programs prohibit certification of individuals with certain criminal record histories and require that all volunteers, staff, and any members of a CASA program's board of directors are screened by the KBI/FBI with a fingerprint-based background check. OJA holds an MOU with the Kansas Bureau of Investigation to conduct these screenings. OJA processes around 400 criminal record history inquiries for CASA and CRB, annually.

### **CASA and CRB directors' training**

CASA and CRB program directors are required to attend annual training to increase capacity and develop skills related to program management and child welfare. In 2024, directors were trained on topics related to grant writing, human resources issues, mental health centers in Kansas, DCF policy and programs, strategic planning, marketing, and more.

### **Youth Court Report**

[K.S.A. 38-2265](#)(a)(2) requires that youth ages 14 and older are provided notice of their permanency hearings and have the opportunity to either appear in court or provide a report. To increase participation, OJA, in partnership with the Department for Children and Families (DCF), revised the [youth court report](#). The report is intended to be used by youth to inform the court of their circumstances, wishes, and thoughts. The report is available on the judicial council's website and is also found in DCF's policy and procedure manual. Youth are instructed to complete some or all of the report and provide it to their guardian *ad litem* for submission to the court.

### **How to work with the courts webinar**

With significant turnover in child welfare providers and anecdotal information from both child welfare providers and those in the legal community, it was determined that there is a need for training about timelines, judicial orders, and

court processes for child welfare professionals. Additionally, it was identified that there is a need for legal partners to better understand the limitations and requirements of child welfare professionals. This training is projected for 2025.

### **CINC bench card revision**

Quick-reference guides are provided to judges as bench cards. These cards give judges easy access to requirements in CINC statutes, including required fundings. The bench card revision is an ongoing project. This project requires updates to judicial bench cards as statutory or procedural changes are made. Bench cards will be revised in 2024 to reflect the addition of a new permanency option for youth in Kansas, SOUL Family Legal Permanency.

### **CRB volunteer training manual**

Standards for Kansas CRB Programs require that CRB applicants complete pre-service training that includes certain topics aimed at improving efficacy of CRB programs. To assist programs with this training requirement, and to ensure volunteers are trained consistently across the state, a comprehensive pre-service training manual was developed. The manual was released to programs in July 2024.

### **Increase collaboration between CIP and the Kansas tribes**

Tribal representatives indicated a desire for increased collaboration between state courts and tribal courts. OJA staff attend monthly meetings with each of the four federally recognized tribes in Kansas and participate in quarterly meetings with all of the tribes. To increase the understanding of Kansas judges, attorneys, and child welfare professionals about special CINC law that applies to Indian children, a training on the Indian Child Welfare Act (ICWA) will be held in 2025.

### **Family treatment court pilots**

Family treatment courts are specialty courts focused on CINC cases involving substance use or mental health concerns. These courts will ensure wrap-around services are provided to families and develop creative solutions to help families involved in the child welfare system reunite with their children. The pilot locations for these courts will be Lyon, Miami, and Cowley Counties. Pilots are scheduled to launch this month.

### **Adoption tracking tool**

Kansas' time to adoption was found to be higher than the national average. To reduce time to adoption, an adoption tracking tool was developed. This tool, developed in partnership with the Kansas Department for Children and Families and KU, tracks adoption tasks for an at-a-glance look at case status in the adoption process. The tool outlines the adoption plan with measurable objectives and time schedules which can help avoid unnecessary delays. Evaluative efforts are ongoing.

### **Parent-youth facilitation**

Parent-youth facilitation (PYF) is a joint project with KU. This project is intended to reduce the number of out of home placements for older youth (14-17). PYF is a voluntary, pre-filing intervention available to certain families where there is risk for removal due to conflict between the youth and parent. A facilitator works with the family to develop an agreement to address issues in the home and avoid the need for a CINC action. The pilot projects were launched in Saline, Shawnee, and Wyandotte counties. Cornerstones of Care, one of the DCF case management grantees, has agreed to take on PYF as part of their service array, and will continue to oversee this project.

### **CINC nuts and bolts webinar series for judges**

Because child welfare is a specialized area of law, the SCTFPP developed the CINC nuts and bolts webinar series which was provided for judges in 2022, with an emphasis on judges new to the CINC docket. The training focused on the basics of CINC proceedings including high quality hearings, statutorily required findings, and the roles of those involved in the case. Evaluative efforts are ongoing.

### **Judicial academy on reasonable efforts**

Statutes require certain judicial findings are made during a CINC case, including reasonable and active efforts. The Judicial Academy on Reasonable Efforts was held in 2023 to increase knowledge and expertise of CINC judges to determine reasonable or active efforts in CINC cases. Evaluative efforts are ongoing.

### **Child welfare summit**

The child welfare summit was held in April 2024. The summit brought together all three branches of government for two days of learning about best practice and areas for improvement within the child welfare system. Local teams from all 31 Kansas judicial districts attended and developed local plans to address service gaps, inefficiencies, and to improve practice and collaboration at the local level. Evaluative efforts are ongoing.

### **Revision to standards for Kansas CASA and CRB programs**

Revised standards for Kansas CASA and CRB programs were adopted by the Kansas Supreme Court in 2022 with an implementation date of January 1, 2023. The standards were revised to align with established requirements and best practice. Evaluative efforts are ongoing.

### **Training for new CASA director and board leadership**

This training provides a comprehensive overview of the Standards for Kansas CASA Programs to assist new directors with understanding the requirements. Similarly, new board presidents are required to complete this training so that they understand program requirements and are prepared to step into the director's role on an interim basis, if needed.

### **Future Projects**

#### **Attorney academy on reasonable efforts**

The attorney academy on reasonable efforts is a project intended to increase the expertise and capacity of attorneys involved in CINC cases as it relates to reasonable and active efforts. This is projected for delivery in 2025.

#### **Micro-webinars on Standards for Kansas CASA and CRB programs**

In January 2023, significant revisions made to standards requirements for both CASA and CRB programs went into effect. Experienced staff and newly hired staff alike were asked to change or learn required processes. The micro-webinars will walk programs through each specific standards requirement. This is intended both to assist with understanding requirements of standards and to help programs onboard new staff. This project is ongoing.

**Translation of CINC forms**

Work is being done to increase access to justice, and the translation of certain CINC forms is one of those initiatives. This project would translate certain CINC forms for limited-English proficient persons.

Each month, the SCTFPP reviews these projects with OJA. SCTFPP members are actively engaged in the strategic plan projects and assist OJA with implementation.

Thank you for your time. I'm happy to stand for questions regarding the SCTFPP.