



Senate Committee on Judiciary

February 11, 2015

Presented by:

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Testimony of:

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Testimony on: SB 37 Kansas Foster Parents' Bill of Rights**Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:**

I am Kathy Armstrong, Assistant Director for Legal Services, Prevention and Protection Services, Kansas Department for Children and Families (DCF).

Senate Bill 37 provides for the establishment of a statutory Foster Care Bill of Rights and related issues. Our agency values and appreciates the role foster parents fill in the lives of children who have for various reasons been removed from their home and placed in the custody of the Secretary of DCF. Our first goal is always to ensure the safety of children in our care, promote permanency with priority to returning them to their family and promote their well-being. Foster parents provide a stable and safe environment for children while they are temporarily placed out of their home.

Steps DCF Has Taken:

Foster Parents' Rights Communicated to Foster Parents—DCF has taken proactive steps to address concerns of foster parents. We developed and adopted a Foster Parents' Rights document during the summer of 2014, which is available on the DCF website. Please find attached a copy of this document. The DCF Foster Parents' Rights was prepared as a result of researching similar provisions that have been adopted or enacted into law in other states. It addresses many topics, is consistent with the wholly-privatized child welfare system as it exists in the State of Kansas and the many statutes, regulations and agency policies already in effect in Kansas. In addition to DCF's adoption of the Foster Parents' Rights, the agency appointed in June 2014 a Foster Parent and Youth Ombudsman. The Ombudsman specifically addresses concerns of foster parents and youth who have been or are in foster care. A packet containing a letter from the DCF Secretary, announcement of and contact information for the Ombudsman, and a newsletter that included the Foster Parents' Rights was mailed to every licensed foster home in the state of Kansas during summer 2014.

Workgroup Collaboration—a workgroup organized by the Kansas Foster and Adoptive Parent Association (KFAPA) made up of many stakeholders/agencies/entities involved in the Kansas child welfare system was initiated last year, and has met regularly to address concerns/issues related to foster parents' rights. When the issue was discussed of whether foster parents' rights should be in policy or statutory form, the group voted by a strong majority that they should be in policy form. This representative

group at that time planned to move forward by utilizing the current DCF Foster Parents' Rights document referred to above and discussed what, if any, proposed revisions such group members will submit in the future to DCF.

Concerns regarding SB 37:

a. Impact of KDHE-DCF ERO:

The proposed legislation sets forth the roles of DCF and the Kansas Department of Health and Environment (KDHE) with respect to the child welfare system. Pursuant to the recently-announced Executive Reorganization Order by the Governor, the licensure of all foster care homes will transfer to DCF and a number of the provisions in SB 37 will then be obsolete and inaccurate, as such provisions are reflective of the current licensure process/law/regulations.

b. Federal Child Welfare Laws:

Significant portions of federal law govern/impact child welfare and should always be considered when enacting state legislation. For example, the Fostering Connections to Success and Increasing Adoptions Act helps children and youth in foster care by promoting permanent families for them through relative guardianship and adoption.

c. Confidentiality:

The new *Section 1* is lacking specific language to require foster parents to maintain the confidentiality of information they receive from the agency regarding the children in their care.

d. Placement Preference:

Section 3. K.S.A. 2014 Supp. 38-2255 (d)(1). The first sentence of the provision is proposed to be amended as follows: "When a custody is awarded to the secretary, the secretary shall consider any placement recommendations by the court and *"when possible, the order of preference established under K.S.A. 38-2270(b), and amendments thereto, and shall"* notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody" (new language is in italics). This new proposed language is unnecessary and confusing. The options for placement are already set forth in the preceding paragraph-38-2255(d). K.S.A. 2255 addresses the disposition stage of CINC proceedings, and 28-2270 relates to the stage of proceedings after parental rights have been terminated and "it appears that adoption is a viable alternative. The existing statutory provisions adequately and fully set forth options and procedures for each of these two different stages of CINC proceedings.

e. Grievance Process:

Section 4. K.S.A. 2014 Supp. 38-2258 is proposed to be amended by adding provision (f)(1) through (5). It is a summary of the grievance process available to

foster parents who are notified a foster child who has been in their home more than 30 days, but less than six months, will be moved to another placement. (Statute addresses moves regarding children who have been in a foster home for more than six months.) DCF's contracted providers already have a grievance process in place, per policy, to address concerns of foster parents and others involved in the foster care process. DCF does not support the inclusion of this language in statute. It can be sufficiently provided for in policy. The proposed language indicates a child cannot be removed during the grievance process. There is no added language "unless otherwise ordered by the Court." This does not take into consideration a child allegedly being subjected to maltreatment by a foster parent which would require an immediate move. 38-2259 (emergency change of placement) may not adequately address this specifically in light of the new proposed language. The Judicial Council Report form appropriately addresses possible unintended consequences of this provision. DCF and other State agencies expressed concern about potential delays in permanency for children. The fundamental liberty interest of parents in the care, custody and control of their children is one of the oldest recognized by the U.S. Supreme Court. DCF must consider the rights of the biological parents' with respect to their children in care. The first efforts are made toward reunification with the child's family, and statutorily bestowing rights on foster parents as early as 30 days after initial placement could arguably infringe upon the rights of birth parents. Foster youth have also expressed concern of the statutory establishment of foster parents' rights regarding children in their care as early as 30 days after placement.

At the hearing held on Jan. 5, 2015, before the Special Committee on Judiciary, KFAPA presented results from a survey that was sent out to the organization's nearly 2,000 members. Of the 2,000, 51 (less than 3 percent) foster families responded. DCF has noted the concerns expressed and will work to continue to improve in areas mentioned by the foster families who responded.

DCF's role is to ensure the safety of children who come into contact with our agency. In the event the child must be removed from his/her family home for safety reasons, DCF will then, pursuant to State and federal child welfare laws and best practice, work to support and provide services to the family with a goal of reunification between the child with his/her family. Foster parents provide an invaluable service to the State of Kansas and vulnerable children who need love, understanding and compassion. It is our goal to maintain open communication with our foster parents and assist them as they provide the best possible care for the children in their home.

DCF is neutral with respect to SB 37. Thank you for the opportunity to submit testimony about this proposed legislation.

Kansas Foster Parents' Rights

1. The right to be treated by DCF and other partners in the care of abused and neglected children with dignity, respect and trust as a primary provider of foster care and a member of the professional team caring for foster children.
2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap per Kansas statute.
3. The right to continue with their own family values and beliefs, so long as the values and beliefs of the foster child and the biological family are respected and not infringed upon. Consideration shall be given to the special needs of children who have experienced trauma and separation from their families.
4. The right to exercise decision making in connection with foster child, consistent with the limits of the policies, procedures, and other directions of DCF, Kansas Department of Health and Environment (KDHE) and within the limits of state and federal law.
5. The right to receive standardized pre-service training by DCF or the placing agency and at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents skills.
6. The right to receive timely financial reimbursement according to agreement and applicable law and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement.
7. The right to receive information regarding services and to reach DCF and/or DCF contracted provider personnel during regular business hours and the right to have information for contact number after business hours in the event of an emergency.
8. The right, prior to the placement of a child, to be notified of any issues relative to the child and known to DCF and/or DCF contracted provider at such time and which may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered.
9. The right to discuss known information regarding the child prior to placement. DCF will provide such information as it becomes available as allowable under state and federal laws.
10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home.
11. The right to receive any available information through DCF regarding the number of times a foster child has been moved and the reasons therefor; and to receive the names and phone numbers of the previous foster parents if the previous foster

parents have authorized such release and as allowable by law.

12. The right, during the time a child is placed with the foster parent, to receive from DCF information known to DCF and relevant to the care of the child.
13. The right to provide input and participate in the case planning process regarding the child and the right to participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the biological family is important to the child and necessary to the success of timely reintegration if reintegration is the case plan.
14. The right to communicate with the child's Child Welfare Provider Case Manager (CWPCM) and to share and obtain relevant and appropriate information regarding child in placement.
15. The right to communicate for the purpose of participating in the case plan of the foster child with other professionals who work with such child within the context of the professional team including, but not limited to, therapists, physicians, and teachers, as allowable by regulation, state and federal law.
16. The right to be notified in advance, of any court hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court and the right to submit a completed Foster Parent Court Report Form per DCF policy.
17. The right to be considered, where appropriate, as a placement option when a child who was formerly placed with the foster parents has re-entered the foster care system.
18. The right to continue contact and/or communication with child subsequent to the child moving from the foster parent/s' home, subject to the approval of the child and child's biological parent/s whose rights have not been terminated.
19. The right to direct questions to KDHE regarding information, concerns, policy violation and/or a corrective action plan relating to licensure as a foster family home.
20. The rights and responsibilities enumerated hereinabove shall be given full consideration when DCF develops and approves policies regarding foster care and adoptive placement.



foster parent NEED TO KNOW

2014



Currently, there are approximately 6,000 children in foster care in Kansas. You're doing a tremendous, much-needed service.

In an ongoing effort to ensure effective communication between foster parents, the Kansas Department for Children and Families (DCF), foster care providers and community partners, we would like to provide you with a summary of what you need to know as you begin or continue your service as foster parents.

In this packet, you will find a list of 20 rights to which you are entitled as a foster parent. Please keep this list handy in case you need to refer to it down the road. Also in the packet, we have provided contact information for our contracted foster care case management providers. As of July 1, 2014, we have a new Foster Parent and Youth Ombudsman. In this packet, Niomi Burget will introduce herself to you and provide her contact information. She is available to you to help you in any way as you serve children in foster care.

For your convenience, we have included the Report from Foster Parents form. Should you need this form, please complete it and submit it to the court.

We hope you find this information useful. We look forward to working closely with you to protect and serve Kansas children.

The Vesper Family

The Vesper family was called to help children in need after watching a news story three years ago, about a little boy with down syndrome who allegedly suffered abuse. The Vespers were moved to tears and immediately contacted a foster care provider for the State of Kansas. They took the required classes and obtained their licensing. The Vesper family invites others to take this same journey and feel the joy of bringing love, security and hope to children in need.



Kansas Foster Parents' Rights



Thank you!

As a Kansas foster parent, you are a valued member of the child welfare system. We are here to let you know your rights as a foster parent and provide you any assistance that you may need. Foster parents are volunteers who provide care for children who are in the custody of the Department for Children and Families (DCF). They play an integral, indispensable and vital role in the State's effort to care for dependent children displaced from their homes. We believe Kansas foster parents should play an active role in the child welfare system and be supported. You are entitled to the following rights:

1. The right to be treated by DCF and other partners in the care of abused and neglected children with dignity, respect and trust as a primary provider of foster care and a member of the professional team caring for foster children.
2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap per Kansas statute.
3. The right to continue with their own family values and beliefs, so long as the values and beliefs of the foster child and the biological family are respected and not infringed upon. Consideration shall be given to the special needs of children who have experienced trauma and separation from their families.
4. The right to exercise decision making in connection with foster child, consistent with the limits of the policies, procedures, and other directions of DCF, Kansas Department of Health and Environment (KDHE) and within the limits of state and federal law.
5. The right to receive standardized pre-service training by DCF or the placing agency and at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents skills.
6. The right to receive timely financial reimbursement according to agreement and applicable law and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement.
7. The right to receive information regarding services and to reach DCF and/or DCF contracted provider personnel during regular business hours and the right to have information for contact number after business hours in the event of an emergency.
8. The right, prior to the placement of a child, to be notified of any issues relative to the child and known to DCF and/or DCF contracted provider at such time and which may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered.
9. The right to discuss known information regarding the child prior to placement. DCF will provide such information as it becomes available as allowable under state and federal laws.
10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home.
11. The right to receive any available information through DCF regarding the number of times a foster child has been moved and the reasons therefor; and to receive the names and phone numbers of the previous foster parents if the previous foster parents have authorized such release and as allowable by law.
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20. The rights and responsibilities enumerated hereinabove shall be given full consideration when DCF develops and approves policies regarding foster care and adoptive placement.

Independent Living Outreach helping youth as they age out of foster care



Bubba Dowling - DCF Independent Living Outreach Coordinator
Bubba has recently been hired in the Independent Living Program where he is the new Independent Living Outreach Coordinator. His job is to reach out to agencies, community groups, and faith-based organizations to inform them about the services CF offers to young people aging out of foster care. There is a great need to let people know of the supports that are available to these youth, and Bubba is helping CF meet that need. If you or your organization wants to know more about what CF can offer to help youth learn to live on their own, seek employment, get career training, further their education, and apply for medical benefits, Bubba is available to provide you with that information. As part of his efforts, Bubba works closely with the Kansas Youth Advisory Council (KYAC) to gather feedback and ideas on how to better serve youth. For more information, call 1-785-296-4653 or visit IL.dcf.ks.gov.

Foster Care Statistics

There are currently 6,019 children in foster care in Kansas.
Approximately 2,500 family foster homes are licensed in Kansas.
Approximately 380 children are available for adoption in the state.
86 percent of children in foster care are placed in a family-like setting.
The average age of a foster child is eight.
13 percent of children in foster care are under six;
15 percent are 16 or older.
Children who will be reunited with their parents, spend an average of eight months in foster care.
(Data provided, as of May 2014)



To be a successful foster parent:

1. Know your own family.
2. Communicate effectively.
3. Know the children.
4. Build strengths; meet needs.
5. Work in partnership.
6. Know about loss and attachment.
7. Manage behaviors.
8. Build connections.
9. Build self-esteem.
10. Assure health and safety.
11. Assess impact.
12. Make an informed decision.

Kansas Foster and Adoptive Parent Association (KFAPA)

The Kansas Foster and Adoptive Parent Association (KFAPA) is an excellent resource for foster parents. KFAPA helps families access support, services and information. To learn more, visit KFAPA.com.



"Help me
succeed!"



upcoming TRAINING

The Children's Alliance has offered trainings since 1998 for current and potential foster and adoptive parents, as well as for child welfare agency staff, case workers and supervisors. Many offerings are made available through the courtesy of child placing member agencies. Grant and contract funding enables them to offer classes free to anyone who lives in the State of Kansas and works in the child welfare field.

For a complete list of foster care classes, visit <http://Childally.org/train/>.



DCF Contracted Providers

Kansas Department for Children and Families (DCF) has two contracted foster care and family preservation services providers. Saint Francis Community Services serves DCF's West and Wichita regions. KVC serves DCF's East and Kansas City regions. Feel free to contact the provider in your area.



**Saint Francis
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509 E. Elm St.
P.O. Box 1340
Salina, KS 67402
1-785-825-0541
1-800-423-1342



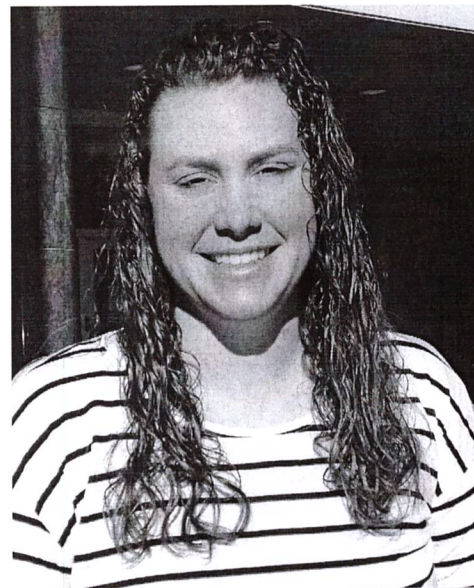
KVC

Kansas

people matter

KVC Kansas
7940 Marshall Dr.
Lenexa, KS 66214
1-913-322-4900
1-888-655-5500

My name is Kendra, and I am here to help! Feel free to call me toll free at 1-844-279-2306 or by email at fosterparent@dcf.ks.gov



Strong Families Make a Strong Kansas