



Senate Committee on Judiciary

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Written Testimony by:

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Testimony of:

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Testimony on: SB 148**Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:**

SB 148, the "Safe Families Act," codifies and expands in statute the practice that allows parents to execute a power of attorney to delegate to another person/family the care and custody of their child(ren) for a period of up to one year. Parents in Kansas already have the existing right, via established rules and regulations (K.A.R. 28-4-801) to execute a power of attorney to allow a relative or close friend to care for their child if the parent has such a need for a variety of different reasons. The regulation currently allows for this arrangement for a duration of time up to 90 days as directed by the parent via the written documentation.

These respite relationships can serve to support and strengthen families who have or may in the future have contact with DCF. They may also assist in preventing the necessity of contract with the agency. DCF strongly supports the general concept and believes that these arrangements can further our mission to protect children, promote healthy families and encourage personal responsibility.

The "Safe Families Act" is named in connection with an organization bearing the same name. The organization "Safe Families" originated in Illinois. Safe Families, by its own report, is currently working in 28 different states to offer support for families needing some type of respite or assistance or care options for their children. This is admirable.

Safe Families is affiliated with a group, Lifeline Children's Services, which has operated for the past approximately five years in Kansas in the Shawnee County vicinity. Lifeline also serves as a licensed Child Placing Agency (CPA) in Kansas. The structure of Lifeline has been successful as a pilot project. This structure/process could be replicated throughout the state. DCF appreciates and values support from numerous organizations, corporations, faith-based groups and other entities and individuals statewide to assist children and families we work with and serve. SB 148 proposes that that which is already in practice in connection with Safe Families be embodied and expanded in statute.

DCF recommends consideration of several concerns with the current language as drafted. Though the new legislation establishes what is called the "Safe Families Act", the new law is not limited in application to the organization Safe Families. Our first goal is always to ensure the safety of children. It is DCF policy that when all else is equal,

children should be cared for in the home of a parent; however, if out-of-home placement is necessary, a relative or non-related kin placement is preferential to a third party placement. State and federal child welfare law also require placement of children out of home to be with relatives prior to others, and this preferential placement may need to be considered in your review of the "Safe Families Act." However, absent relative placement options, the "Safe Families Act" allows children who have not been removed from the home due to safety issues to be placed in the care of a third party if circumstances arise that cause parents to need those supports on a temporary basis, up to a year.

The last phrase of the first paragraph of Section 3 rightfully states the delegation of powers shall not deprive the parent or legal custodian of any parental or legal authority regarding care and custody. However, the bill provides that if parents change their mind about placement, children shall be returned "as soon as reasonably possible." In reviewing the "Safe Families Act" a more definitive amount of time may need to be considered in order to protect the rights of the parents, regarding the care and control of their children.

The bill is unclear whether a form could be authorized/signed by only one parent. This could potentially interfere with the rights of the other parent, a parent residing outside of the home or the rights of a non-custodial parent if the new statutory form is signed by only one parent. In reviewing the "Safe Families Act," consent of both parents may need to be considered.

DCF endorses the concept of the "Safe Families Act" and requests consideration of the above issues as the legislature looks to codify and expand supports for families needing some type of respite or assistance or care options for their children.

DCF is in support of SB 148. Thank you for the opportunity to submit testimony about this proposed legislation.