

February 11, 2015

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 37 by 2014 Special Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 37 is respectfully submitted to your committee.

SB 37 would enact the Kansas Foster Parents' Bill of Rights. The bill would require the Department for Children and Families (DCF) to provide foster parents with additional training, share certain pertinent to care information about the child, provide the foster parent with more voice in placement decisions, include the foster parent in meetings concerning court hearings and their licensure status, provide appropriate respite care, inform foster parents of the child's progress following foster care in certain fact circumstances, and allow the foster parent to contest the removal of a child from their home through an internal grievance process.

SB 37 would require a 30-day written notice of any plan to move a child, if the child has been in the same foster home or shelter facility for six months or longer or has been placed in the home of a parent or relative. The bill would require that private child placing agencies provide a 72-hour written notice to foster parents of any plans to move a child who has been in the same foster home for more than 30 days, but less than six months. Additionally, each private child placing agency would be required to develop and implement an internal grievance process through which a foster parent could object to any proposed moves. The written notice would state the reason for the move and provide the foster parent with information about accessing the agency's internal grievance process.

In the case that a foster parent objects to a move, the child would not be moved until the grievance process has been concluded. The conclusion of the grievance would not be appealable to the district court or any appellate court in the state. When a court hearing to determine whether a change in placement is in the best interests of the child concerned has been requested, SB 37 would require that the hearing be held within seven days of the request. Finally, the bill would

add language to clarify that a person with whom the child has close emotional ties to could include a foster parent.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2015 SGF | FY 2015 All Funds | FY 2016 SGF | FY 2016 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$835,223 | \$995,180 |
| FTE Pos. | -- | -- | -- | 6.00 |

SB 37 would require that family foster parents be provided reasonable access to respite care, but does not set a standard for an appropriate level to be provided. While DCF currently provides respite care for foster families, the agency estimates the bill would result in one additional day of respite care per child per year. At the standard rate of \$32.66 per day, these additional respite days would cost \$195,666 per year given the average monthly caseload of 5,991 as currently budgeted. The bill would also require DCF to increase foster parent training in areas such as regular training, pre-service training, training on DCF policies and procedures, and training on the cultural needs of children. An additional 1.00 Staff Development Specialist I position is estimated to satisfy the higher training requirements at a cost of \$55,668 in salaries and \$3,930 in operating costs.

SB 37 would require notification of moves to foster parents who then have the right to object to the move. DCF estimates approximately 120 grievances per year by assuming that 20.0 percent of the qualifying moves result in a grievance. To satisfy the staffing requirements for the grievance process, the agency estimates it would need 2.00 additional Social Worker Specialist positions at an annual cost of \$109,925 in salaries and \$7,860 in operating expenses. Additionally, the agency estimates that it would need 2.00 new Attorney positions to provide oversight and needed intervention. The cost would be \$154,355 in salaries and \$7,860 in operating expenses annually.

The grievance process would also contribute to delays in the time to permanency for the children impacted. Assuming that each grievance filed would extend the time in out-of-home placement an additional 2 months for an estimated 120 clients per year at an average monthly case rate of \$1,473, the grievance process would cost the agency \$353,520 (120 X 2 X \$1,473) per year. The following table summarizes DCF's estimated fiscal impact:

| Item | FY 2016 | FY 2017 |
|------------------------------------|-----------|-----------|
| <i>Expenditures</i> | | |
| Salaries | \$319,948 | \$323,584 |
| Other Operating Expenditures: | | |
| Regular OOE | \$19,650 | \$12,090 |
| Subtotal - Additional Staffing | \$339,598 | \$335,674 |
| Costs Due to Delayed Permanency | \$353,520 | \$353,520 |
| Additional Respite Costs Projected | 195,666 | 195,666 |
| Total Projected Costs | \$888,784 | \$884,860 |
| <i>Financing</i> | | |
| State General Fund | 782,025 | 778,232 |
| Federal Funds | 106,759 | 106,628 |
| Total | 888,784 | 884,860 |

The Kansas Department of Health and Environment (KDHE) states that SB 37 would require written notification to foster parents of their rights at the time of initial licensure and at each renewal licensure. Development of a brochure could be done within existing resources. Approximately 3,000 brochures would be needed annually at an estimated cost of \$1,000.

The Office of Judicial Administration states that SB 37 could have a fiscal effect on Judicial Branch expenditures. The bill's requirement for expedited hearings to determine whether a move is in the best interests of the child could create scheduling difficulties for judges and court staff and could cause the need for additional staff. However, it is not possible to predict the number of additional expedited hearings that would arise. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with SB 37 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Jackie Aubert, DCF
Aaron Dunkel, KDHE