

SENATE BILL No. 410

By Committee on Judiciary

2-4

1 AN ACT concerning the revised Kansas code for care of children;
2 establishing a CARE family pilot program for foster care; amending
3 K.S.A. 2015 Supp. 38-2218 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The secretary shall establish a special category of
7 foster care to be known as a CARE family. A CARE family may be
8 selected and licensed by the secretary only if the family meets the
9 requirements specified in this section. The secretary shall promulgate rules
10 and regulations to implement the provisions of this section on or before
11 January 1, 2017.

12 (b) A family shall meet the following requirements, and any
13 additional requirements imposed by the secretary, to become licensed as a
14 CARE family:

15 (1) A lawfully married couple in a stable relationship, married for at
16 least seven years;

17 (2) submit to a background check on both spouses;

18 (3) no use of tobacco by anyone inside the family's home;

19 (4) no history of unlawful drug use for the past seven years by anyone
20 currently living in the family's home;

21 (5) no alcoholic liquor or cereal malt beverages in the family's home;

22 (6) both spouses have attained at least a high school diploma or
23 equivalent;

24 (7) at least one spouse does not work outside the home;

25 (8) the family is actively, regularly socially involved in their local
26 community; and

27 (9) provide the secretary at least three references from people familiar
28 with the family.

29 (c) Notwithstanding any law to the contrary, a CARE family's home
30 shall not be considered a child care facility and shall not be required to be
31 licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,
32 and amendments thereto.

33 (d) (1) The secretary shall insure that each CARE family is highly
34 trained with respect to child in need of care issues, including legal and
35 mental health concerns. Continuing education and regular meetings with
36 other CARE families shall be used to provide ongoing training and

1 counseling sessions.

2 (2) The secretary shall insure that each CARE family is supervised to
3 verify that the family is performing well as a CARE family.

4 (3) A CARE family shall serve on a volunteer basis and shall not
5 receive payment or reimbursement for care of any child placed with the
6 family.

7 (e) (1) The secretary shall notify each CARE family that the CARE
8 family has a right to submit a report. Copies of the report shall be available
9 to the parties and interested parties. The report made by the CARE family
10 shall be on a form created and provided by the Kansas department for
11 children and families.

12 (2) Except as otherwise provided by law, in all proceedings under the
13 revised Kansas code for care of children, the court shall require notice to
14 the CARE family and the CARE family shall have the right to be heard.

15 (f) (1) Notwithstanding any other law to the contrary, a CARE family,
16 together with the court and the secretary, shall determine how best to meet
17 the educational needs of any child placed with the family. If a child is not
18 enrolled in a school district by the CARE family, the CARE family shall
19 notify the secretary regarding the school and curriculum being used to
20 educate such child. The secretary shall reimburse the CARE family for
21 educational expenses incurred for each child who is not enrolled in a
22 school district in an amount not to exceed the statewide average state aid
23 per pupil. Such reimbursements shall be paid from the CARE family
24 education fund established in this subsection. If sufficient funds are not
25 available for such reimbursements, then the requests for reimbursement
26 shall be considered in the order received when funds are available for such
27 purpose.

28 (2) The secretary shall notify the state board of education of every
29 child not enrolled in a school district by a CARE family. Annually, on or
30 before July 1, beginning on July 1, 2017, the state board of education shall
31 certify to the director of accounts and reports the amount required for
32 CARE family state aid pursuant to this subsection, and an amount equal
33 thereto shall be transferred by the director from the state general fund to
34 the CARE family education fund. All transfers made in accordance with
35 the provisions of this subsection shall be considered to be demand
36 transfers from the state general fund.

37 (3) There is hereby established in the state treasury the CARE family
38 education fund to be administered by the secretary. All expenditures from
39 such fund shall be made in accordance with appropriation acts upon
40 warrants of the director of accounts and reports issued pursuant to
41 vouchers approved by the secretary or the secretary's designee. All moneys
42 credited to the CARE family education fund shall be expended to
43 reimburse CARE families for educational expenses incurred for children

1 not enrolled in a school district by a CARE family.

2 (4) As used in this subsection, the term "statewide average state aid
3 per pupil" means the total general state aid for all school districts as
4 determined by the state board for the immediately preceding school year
5 divided by the total enrollment of pupils in all school districts for the
6 immediately preceding school year.

7 (5) For purposes of this subsection and for calculating enrollment, a
8 resident school district shall not count any student placed with a CARE
9 family and not enrolled in a school district as a pupil of such resident
10 school district. As used in this paragraph, "resident school district" means
11 the school district in which the student resides and would otherwise be
12 enrolled.

13 (g) Notwithstanding any other law to the contrary, the secretary shall
14 not remove a child from a CARE family placement unless:

15 (1) The child is removed to achieve permanency through
16 reintegration, adoption, appointment of a permanent custodian or another
17 planned permanent living arrangement; or

18 (2) the secretary finds probable cause that:

19 (A) (i) The child is likely to sustain harm if not immediately removed
20 from the home;(ii) allowing the child to remain in the home is contrary to
21 the welfare of the child; or (iii) immediate placement of the child is in the
22 best interest of the child; and

23 (B) reasonable efforts have been made to prevent the unnecessary
24 removal of the child from the CARE family's home or that an emergency
25 exists which threatens the safety of the child.

26 (h) This section shall be part of and supplemental to the revised
27 Kansas code for care of children.

28 (i) The provisions of this section shall expire on July 1, 2022.

29 Sec. 2. K.S.A. 2015 Supp. 38-2218 is hereby amended to read as
30 follows: 38-2218. (a) When the court has granted legal custody of a child
31 in a hearing under the code to an agency, association or individual, the
32 custodian or an agent designated by the custodian shall have authority to
33 make educational decisions for the child if the parents of the child are
34 unknown or unavailable. When the custodian of the child is the secretary,
35 and the parents of the child are unknown or unavailable, and the child
36 appears to be an exceptional child who requires special education, the
37 secretary shall immediately notify the state board of education, or a
38 designee of the state board, and the school district in which the child is
39 residing that the child is in need of an education advocate. *If the secretary*
40 *has placed the child with a CARE family, as defined in section 1, and*
41 *amendments thereto, the CARE family shall become the education*
42 *advocate for such child.* As used in this section, a parent is unavailable if:

43 (1) Repeated attempts have been made to contact the parent to

1 provide notice of an IEP meeting and secure the parent's participation and
2 such attempts have been unsuccessful;

3 (2) having been provided actual notice of an IEP meeting, the parent
4 has failed or refused to attend and participate in the meeting; or

5 (3) the parent's whereabouts are unknown so that notice of an IEP
6 meeting cannot be given to the parent. As soon as possible after
7 notification, the state board of education, or its designee, shall appoint an
8 education advocate for the child.

9 (b) If the secretary changes the placement of a pupil from one school
10 district to another or to another school within the same district, *or a CARE*
11 *family changes such placement*, it shall be the duty of the secretary to
12 transfer, or make provision for the transfer, of all school records of such
13 pupil to the district or school to which the pupil is transferred. Such school
14 records shall be transferred at the same time that the pupil is transferred or
15 as soon as possible thereafter.

16 (c) As used in this section, the terms "exceptional child," "special
17 education," and "education advocate" have the meanings respectively
18 ascribed thereto in the special education for exceptional children act,
19 K.S.A. 72-961 et seq., and amendments thereto. The term "pupil" means a
20 child living in a school district as a result of a placement therein by the
21 secretary pursuant to this code.

22 Sec. 3. K.S.A. 2015 Supp. 38-2218 is hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.