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House Federal and State Affairs Committee

March 14, 2018

*Testimony on:*

**HB 2754: Establishing Guardian  
Assistance Program**

Presented By:

Kathy Armstrong

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Kansas Department for Children and Families

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**Testimony of:**

Kathy Armstrong, Assistant General Counsel for Prevention & Protection Services  
Kansas Department for Children and Families  
Topeka, Kansas

**Testimony on:**

HB 2754: Establishing Guardianship Assistance Program

**Chair Barker, Vice Chair Highland, Ranking Member Ruiz and Members of the Committee:**

I am Kathy Armstrong with Kansas Department for Children and Families (DCF).

HB 2754 establishes a guardianship assistance program providing for financial assistance to kinship care providers and relates to the powers and functions of DCF.

The guardianship assistance program (GAP) is to be administered by DCF per the language of the proposed bill. The bill requires DCF to enter into a GAP agreement with any “kinship care” provider as kinship care is defined in the Child In Need of Care (CINC) Code. It further provides that any such agreement shall be subject to any requirements “imposed by federal law” including, but not limited to, title IV-E of the Social Security Act and the Fostering Connections to Success and Increasing Adoptions Act of 2008. There are specific requirements federally for a child to qualify for IV-E funds. The bill language may lend itself to interpretation of requiring payment to all relative placements.

GAP has been available since 2009. Kansas has, rather than a GAP, a Permanent Custodianship (“PC”) Program and attached subsidy that’s existed since 1999. DCF has looked at the eligible population, the cost of participation and federal reimbursement for family eligibility in GAP. There are currently more than 6,800 children in foster care in our state. A record number of those children are placed with relatives and in Kansas, unlike some other states, relatives are not required to be licensed. One of the requirements to be eligible for GAP is to be a licensed foster home. GAP program would essentially be in lieu of the PC Program. It is not required in Kansas that PC placement be a licensed placement if it is a relative placement. Adoption, not PC, is the preferred permanency plan for children, if the child cannot be returned home. Therefore, there is generally not a high number of PC cases related to children who are in foster care.

DCF, in recent months, identified less than 20 families who would be eligible for GAP under current federal requirements including, combined requirements that each placement be a licensed foster home and child have been placed in the home for more than six months. Balanced against the cost and compliance requirements, DCF has taken the position the cost of participation in the GAP would outweigh the benefit, especially in the first years of implementation and in light of the existing Permanent Custodianship program. DCF desires strengthening the entire child welfare system,

including the prevention side. DCF's current work includes reviewing licensing requirements and making the process more accommodating for relatives. Licenses relative placements are paid at the foster home rate. Relatives may choose not to be licensed, and DCF will review the payment rates for non-licensed relatives.

DCF continually works to protect children and serve such children and their families who experience contact with the agency.

DCF strives, per federal and state law and best practice, to reintegrate children with their families if that is possible. If reintegration is not viable, relatives are the preferred placement and persons with close emotional ties to the child are the then next preferred placement. Adoption is the preferred permanency if reintegration is not possible. However, DCF recognizes circumstances exist where adoption may not occur, such as older youth who choose not to be adopted, a strong bond with the parents even though reintegration is not possible, etc. In these circumstances, permanent custodianship provides permanency for the youth and support for the family.

DCF is neutral on HB 2754. Thank you for the opportunity to present this testimony to the Committee.