

SESSION OF 2017

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 126**

As Further Amended by House Committee on
Children and Seniors

Brief*

House Sub. for SB 126, as further amended, would establish the Foster Care Task Force (Task Force), set out the duties of the Task Force, and require the Task Force to submit to specified standing committees at the beginning of the 2018 Legislative Session recommended improvements regarding the safety and well-being of children in the state. The Task Force would be required to submit progress reports at the beginning of the regular session of the Legislature each year thereafter. The bill would also require the Kansas Department for Children and Families (DCF) to provide data and information on foster care programs as outlined in the bill upon request by the Task Force. Additionally, the bill would address task force voting membership and *ex officio* nonvoting membership appointments, length of members' terms, appointment of task force leadership, meeting dates, quorum, membership compensation, and the provision of legislative and professional services. The Task Force would sunset on July 1, 2020.

Additional bill details follow.

Duties of the Task Force

The Task Force would be required to review the level of oversight and supervision by DCF over foster care contractors, including reports from the Division of Post Audit

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

and the 2015 and 2016 Special Committees on Foster Care Adequacy, and review the duties of those individuals responsible for foster children and other such areas of concern regarding foster care.

Recommended Improvements and Progress Reports

At the beginning of the regular 2018 Legislative Session, the Task Force would be required to submit to the President of the Senate, the Speaker of the House of Representatives, the House Committee on Children and Seniors, and the Senate Committee on Public Health and Welfare recommended improvements regarding the safety and well-being of Kansas children. The bill would state the recommended improvements may include proposed changes to current law, rules and regulations, and child welfare system processes. The Task Force would be required to submit progress reports at the beginning of each regular legislative session thereafter.

Data and Information Provided

DCF, upon the request of the Task Force, would be required to provide data and information on foster care programs, including, but not limited to:

- The number of children in foster care;
- The number of children in foster care who are outside the county of original residence;
- The average length of stay in foster care before reintegration with the child's parents or placement in a permanent home;
- Foster home licensing and inspection data, including a list of prohibitive offenses for foster home licensure;

- The annual numbers and types of cases of substantiated and documented maltreatment of foster children and actions taken by DCF and its contracting agencies to resolve such cases;
- Foster home firearm use rules and regulations;
- The latest quarterly reports from foster care contractors;
- An annual crossover youth report examining the number of youth exiting home placement who are subsequently adjudicated as juvenile offenders; and
- The number and types of arrests or convictions, or both, of foster parents.

Organization of Task Force

Membership and Appointments

The Task Force would consist of 18 voting members, appointed as follows:

- The Speaker of the House of Representatives would appoint two members of the House Committee on Children and Seniors and one member of the House of Representatives;
- The Minority Leader of the House of Representatives would appoint one member of the House Committee on Children and Seniors and one member of the House of Representatives;
- The President of the Senate would appoint two members of the Senate Committee on Public Health and Welfare and one member of the Senate;

- The Minority Leader of the Senate would appoint one member of the Senate Committee on Public Health and Welfare and one member of the Senate; and
- Eight members jointly appointed by the Speaker of the House of Representatives and the President of the Senate, as follows:
 - A district judge who maintains a child in need of care docket;
 - A district magistrate judge appointed or elected to serve a Kansas county other than Douglas, Johnson, Sedgwick, Shawnee, or Wyandotte county;
 - A person certified as a Kansas court-appointed special advocate;
 - A social worker licensed by the Behavioral Sciences Regulatory Board;
 - A guardian *ad litem*;
 - A law enforcement officer;
 - A foster parent who is a representative of a foster parent organization; and
 - A family law attorney with experience in providing legal services to parents and grandparents in child in need of care cases.

Ex Officio Nonvoting Members

The bill would require the Secretary for Children and Families and each entity that contracts with DCF to provide reintegration, foster care, and adoption services to individually appoint one *ex officio* nonvoting member to the Task Force to provide information and advice.

Terms

Legislative members would be appointed for terms coinciding with the terms for which such members are elected or appointed. *Ex officio* members and members jointly appointed by the Speaker of the House of Representatives and the President of the Senate would be appointed for a term ending on July 1, 2020.

Filling of Vacancies

All members appointed to fill vacancies or to succeed members appointed to the Task Force would be appointed in the manner provided for the original appointment of the member succeeded.

Appointment of Leadership, Quorum, and First Meeting

The members originally appointed to the Task Force would be required to meet within 30 days of the effective date of the bill upon the call of a member appointed by the Speaker of the House of Representatives as the first chairperson. The President of the Senate would appoint the first vice-chairperson. The chairperson and vice-chairperson roles would alternate annually between the members appointed by the Speaker of the House of Representatives and the President of the Senate. Ten voting members of the Task Force would constitute a quorum.

Meetings

The Task Force would be required to meet at least six times a year on and after the effective date of this bill, on the call of the chairperson. When urgent circumstances require additional meetings, the chairperson would be allowed to call such additional meetings.

Compensation

If approved by the Legislative Coordinating Council (LCC), Task Force members attending meetings authorized by the Task Force would receive compensation as provided under KSA 75-3223(e) and amendments thereto.

Support Services

The LCC would be authorized to provide for such legislative and professional services as requested by the Task Force.

Sunset of Task Force

The Task Force would sunset on July 1, 2020.

Effective Date

The bill would be in effect upon publication in the *Kansas Register*.

Background

House Sub. for SB 126

The House Committee on Children and Seniors created this substitute bill by removing the contents of SB 126, as amended by the Senate Committee of the Whole, regarding restrictions on persons interacting with child care facilities (enacted in Senate Sub. for HB 2304), and inserting the contents of HB 2019, as amended by the House Committee, regarding the Task Force. [Note: The contents of SB 126, as amended by the Senate Committee, were removed and are no longer applicable to the substitute bill. Background information on SB 126, prior to the creation of the substitute

bill, may be found in the supplemental note for SB 126, as amended by the Senate Committee of the Whole.] The House Committee amended HB 2019 to: change the name of the Task Force and change the title of the bill to reflect the name change; make changes to the duties of the Task Force; require the Task Force to submit a corrective action plan (CAP) at the beginning of the regular 2018 Legislative Session and progress reports at the beginning of each regular session of the Legislature thereafter, and delete other reporting requirements; change the type of data and information DCF would be required to provide, upon request; alter Task Force membership, appointing authority, and terms; and change the sunset date of the Task Force and the effective date of the bill.

The substitute bill was re-referred to the House Committee, which met on May 4, 2017, to consider amendments. The House Committee amended the substitute bill to clarify the CAP would be a recommendation and to outline the scope of the CAP, provide for the appointment of *ex officio* nonvoting members and set out their responsibilities and terms, clarify the voting members, change the quorum requirement, and clarify the Court Appointed Special Advocate (CASA) member would be from the Kansas CASA association.

The substitute bill was re-referred a second time to the House Committee, which met May 9, 2017, to consider additional amendments proposed in discussions with DCF. The House Committee further amended the substitute bill to replace the reference to a recommended CAP with a reference to recommended improvements, remove specific reference to some of the data and information DCF would provide upon request of the Task Force, replace two legislator members with two stakeholder members, modify the selection of the vice-chairperson and clarify the annual change in task force leadership, and make technical amendments.

HB 2019

The bill was introduced by the House Committee on Children and Seniors at the request of the 2016 Special Committee on Foster Care Adequacy. In the House Committee Hearing, no proponent or opponent testimony was provided.

Neutral testimony was provided by a representative of DCF. The DCF representative stated oversight of the foster care system is provided through federal reviews, statewide audits, the Division of Post Audit, oversight by the Kansas Attorney General's Office, and numerous additional workgroups and task forces on child welfare issues. The DCF representative stated the Task Force may result in duplication and diminished efficiency in light of the federal and State agency and court oversight of the child welfare system already in place.

The House Committee created House Sub. for SB 126 by removing the contents of SB 126, as amended by the Senate Committee of the Whole, and inserting the contents of HB 2019, as amended by the House Committee. [*Note: See the background for House Sub. for SB 126.*]

The fiscal note prepared by the Division of the Budget on HB 2019, as introduced, stated Legislative Administrative Services estimates additional annual expenditures of \$51,978 from the State General Fund for salaries, mileage, and subsistence for six meetings of the Task Force. The estimate includes \$40,537 for the expenses of 12 legislators, \$9,773 for the expenses of 5 non-legislator members, and \$1,668 for the salary of a committee assistant. [*Note: In its current form, the bill would provide for ten legislator and eight non-legislator Task Force members.*] The LCC would have to approve these expenditures. Any fiscal effect associated with HB 2019 is not reflected in *The FY 2018 Governor's Budget Report*.