

Testimony to Senate Public Health & Welfare
March 19, 2019
Support for HB2103, Requirements for placement in a QRTP

My name is Rachel Marsh, Vice President of Advocacy with Saint Francis Ministries. Rooted in the Episcopal tradition, Saint Francis Ministries is an **independent not-for-profit** that has served Kansas children and families since 1945. Today in Kansas, Saint Francis provides child welfare case management services across 75 counties, sponsors over 600 foster care homes, directs 5 youth residential programs, and serves children and parents with innovative and evidence-based mental health and substance use treatment services.

In February 2018, the federal, bipartisan Family First Prevention Services Act was signed into law by President Trump. I represented Saint Francis as a non-voting member on the Child Welfare System Task Force, which identified **following federal guidelines under the new Family First Act as a Top Tier, highest priority recommendation** to improve the child welfare system in Kansas. I was privileged to serve as a member of the Supreme Court Permanency Planning Task Force subcommittee and as a member of the Child in Need of Care and Juvenile Offender Advisory Committee to the Judicial Council to support in drafting and reviewing **HB2103 as the necessary implementing legislation to ensure Kansas compliance with the new federal guidelines under the Family First Act.**

Qualified Residential Treatment Programs (QRTPs)

The Family First Act established a new federal preference for children in foster care to be placed in family-like settings (such as family foster homes or kinship placement). Research indicates placement in family-like settings is better for children. However, some children in foster care do require a more structured environment (residential or group home setting) to meet their unique therapeutic needs. The Family First Act creates a new category of residential or group home setting called a **Qualified Residential Treatment Program**.

- Only **Qualified** Residential Treatment Programs will be eligible for federal Title IV-E foster care funding under the new Family First Act.
- Federal Title IV-E funds will only be allowed for children placed in QRTPs when those placements are made following a certain **process, including judicial review of the placement.**

Judicial review of QRTPs in the Kansas Child in Need of Care Code

Many aspects of the Family First Act can be implemented by DCF without legislation. For instance, DCF will oversee transitioning residential/group homes into becoming designated as Qualified Residential Treatment Programs in accordance with federal standards. DCF will update policy and procedures related to case managers making placement decisions for foster youth. However, **one aspect of the federal Family First Act requires legislation in Kansas: the new federal law requires judicial review of**

the decision to place a child in a QRTP. For judicial review of a QRTP placement to meet Family First Act requirements, the Kansas Child in Need of Care Code needs updated to:

- ensure notification to the court of the QRTP placement where applicable
- establish time frames for court consideration
- establish specifically what the judge must decide about the appropriateness of child's placement in the QRTP

HB2103 modifies the Kansas CINC Code to ensure that necessary judicial review will occur in a manner that complies with Family First. HB2103 is drafted precisely and narrowly to support Kansas compliance with the QRTP provisions for judicial review under Family First.

Because HB2103 is tailored with very specific language to ensure compliance with new federal Family First guidelines, Saint Francis supports **passing HB2103 as a clean bill.**

Saint Francis supports HB2103.

- HB2103 moves Kansas in the direction of ensuring the best possible placement decisions for children in foster care.
- HB2103 will strengthen the quality of Kansas residential/group placements.
- HB2103 will allow Kansas to continue to draw down federal funds for child residential/group placements.

I am happy to stand for questions.