

# DCF LEGISLATIVE TESTIMONY



2/9/2021

**TESTIMONY OF**

Tanya Keys, Deputy Secretary  
Kansas Department for Children and Families

**TESTIMONY ON**

SB 104

**Chair**

Warren

**Vice Chair**

Wilborn

**Ranking Member**

Haley

**and**

**Members of the Committee**

## SUMMARY OF ISSUE & DCF POSITION

Senate Bill 104 addresses a judge's authority to enter certain orders relating to children in need of care. Specifically, the bill would require the court to enter an order directing a child to remain in a present or future placement if certain conditions are met. Currently the court has discretion to enter such orders based on the unique circumstances of the case and needs of the child.

DCF opposes SB 104 as it strips away the discretion of the court to render decisions based on the facts and circumstances of each case.

## CONTEXT & HISTORY

KSA 38-2260 relates to valid court orders requiring a child to remain in a present or future placement. The court may enter such an order directing a child who is the subject of the proceedings to remain in a present or future placement if certain circumstances are present as applicable, including any application, preliminary hearing and placement hearing.

These orders are commonly referred to as "no run" orders because they require the child in need of care to remain at their placement.

Currently, the court has the discretion as to whether or not to enter these orders. DCF believes it is important that judges have this discretion to render decisions based on the circumstances of the case and needs of the child. "No run" orders are not a one size fits all solution for youth that are absent from placement.

It is important to note that in the event that a youth violates a "no run" order, the court then has the authority to authorize the child be placed in a secure facility for up to 180 days if all other placement options have been exhausted. While DCF understands that placing a youth in a secure facility is sometimes the only option for placement for that youth, there is evidence that doing so is traumatic and can have a negative impact on the youth's development.

Because it would increase the number of "no run" orders issued, requiring the court to enter "no run" orders would likely lead to an increase in the number of youths ordered placed in secure facilities through this process. This seems to be philosophically opposed to the juvenile justice reforms of 2016 SB 367, which recognized the importance and effectiveness of providing services to youths in the community rather than in institutions.

## EFFECT OF LEGISLATION

Senate Bill 104 proposes substituting "shall" for "may" in KSA 38-2260(a). This would make entering an order mandatory rather than permissive per the court's discretion. The court would be required to enter an order directing a child to remain in a present or future placement if the child is adjudicated as a Child In Need of Care.

## FISCAL IMPACT OF LEGISLATION

DCF assumes no fiscal impact to the agency should Senate Bill 104 be enacted.

## DCF POSITION

DCF stands in opposition to Senate Bill 104. It is important that judges continue to have the discretion to make decisions regarding these orders based on the facts and circumstances of each case and the unique needs of the child. These orders are not a one size fits all solution and statute should continue to reflect that.