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MEMORANDUM

To: Committee on Child Welfare and Foster Care
From: Office of Revisor of Statutes
Date: January 30, 2023
Subject: HB 2194: Enacting the Representative Gail Finney memorial foster care bill of rights.

House Bill 21294 proposes the Representative Gail Finney memorial foster care bill of rights to be placed in the revised Kansas code for care of children. Consistent with the policy of the state as expressed in K.S.A. 38-2201, the new section lists items that a foster youth and foster parents shall have the right to or already has the right to in statute.

Subsection (b) begins “to ensure proper care and protection of a child in need of care in the child welfare system, unless otherwise ordered by the court, such child shall have the right to” and lists a child’s existing right or establishing actions a child may take.

The list contains items that include: (1) Living a safe comfortable place; (2) visits with family; (3) having minimal placements; (4) maintaining belongings; (5) access to supplies and services for school; (6) receiving a diploma; (7) notification of hearings; (8) attending hearings; (9) addressing the court; (10) having a GAL; (11) requesting an attorney; (12) privacy; (13) contact with and access to case managers; and (14) access to services and skills when transitioning out of care.

Subsection (c) begins “In order to ensure active participation of foster parents as an integral, indispensable and vital role in the state's efforts to care for children in the custody of the secretary,” such parents shall: (1) Be treated with respect; (2) not be discriminated against; (3) continue with family values and beliefs with consideration to the child’s needs; (4) make decisions concerning the child consistent with the CINC code; (5) receive preservice trainings; (6) receive timely financial reimbursement; (7) receive information and be able to contact DCF;

(8) receive information regarding a child that may jeopardize health and safety of the family; (9) discuss information related to the child prior to placement and later, additional information as allowed; (10) refuse or request removal of a child; (11) participate in case planning; (12) communicate, when appropriate, with the child’s professional team; (13) be notified of court hearings; (13) be considered a placement, if a child has previously resided with the family; (14) remain in contact with the child subsequent to the placement of the child; (15) be notified in advance of any court hearing or review where the case plan or permanency of the child is an issue; (16) ask questions of DCF related to licensure; (17) have the rights described in this section be given full consideration when the Kansas department for children and families develops and approves policies regarding placement and permanency; (18) submit reports; and (19) request a court hearing regarding a change of placement notice pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been placed with the same foster parents for six months or longer.