

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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November 6, 2015

To: Senator Forrest Knox
From: Robert Gallimore, Principal Research Analyst
Re: Recent Foster Care Legislation and Related Actions

In preparation for the meeting of the Special Committee on Foster Care Adequacy, you requested information regarding recent legislation in Kansas addressing foster care and related issues. The attached chart summarizes the bills introduced from 2011 through 2015 and the outcome or current status of the legislation. The chart also includes executive reorganization orders, Judicial Council studies, and other legislative-related action.

You also requested any information available on concerns expressed regarding 2015 SB 37 (Foster Parents' Bill of Rights Act) and 2015 SB 148 (Safe Families Act).

Foster Parents' Bill of Rights Act

2015 SB 37 was heard in the Senate Judiciary Committee on February 11, 2015. At the hearing, Tina Woods, President of the Kansas Youth Advisory Council, presented opponent testimony. Kathy Armstrong, Assistant Director for Legal Services, Kansas Department for Children and Families (DCF), presented neutral testimony. Copies of these conferees' testimonies are attached.

On February 24, the Senate Judiciary Committee tabled SB 37 following a discussion summarized in the Committee minutes as follows: "There was considerable discussion regarding putting policy into statute and there being duplicate policies and practices; some members believed this is an important enough topic to warrant a more thorough look at the bill."

Safe Families Act

2015 SB 148 was heard in the Senate Judiciary Committee on February 12, 2015. No opponent or neutral testimony was presented at the hearing. SB 148 was passed out of the Senate Judiciary Committee but was stricken from the Senate Calendar.

The Safe Families Act was also introduced in the House as 2015 HB 2244. The bill was heard by the House Committee on Health and Human Services, but no opponent or neutral testimony was presented. The Committee recommended the bill favorably as amended, but the bill was ultimately stricken from the House Calendar. The Committee minutes reflect the bill was

amended to require participating families to report neglect to DCF and sponsoring families undergo a background check.

The language of SB 148 was also placed into SB 159 (also containing provisions related to law enforcement officers taking a child into custody when drugs are present), which received a hearing in the House Judiciary Committee on March 17. At the hearing, Ronald Nelson, a family law attorney in Shawnee Mission, presented testimony opposing the Safe Families Act portion of the bill. Ed Klumpp, representing the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association, presented neutral testimony regarding the law enforcement officer provisions of the bill. Copies of these conferees' testimonies are attached. The House Judiciary Committee took no action on SB 159.

The Safe Families Act language was placed into the second Conference Committee Report for SB 113, but on May 21, the House voted to not adopt this Report. A subsequent Conference Committee Report for SB 113 with different content was ultimately adopted by both chambers.

No explanations of vote or committee minutes offer further insight into legislators' possible concerns with the Safe Families Act.

RAG/kal

Enclosures

Legislative and Related Activity on Foster Care and Related Issues in Kansas, 2011-2015

2011	2012	2013	2014	2015
SB 52/House Sub. for SB 23: Grandparents as interested parties in CINC proceedings. SB 52 died in House Judiciary; but language included in CCRB for House Sub. for SB 23 and passed. Eff. July 1, 2011.	SB 262/HB 2539: Requires substantial consideration of grandparent who requests custody when child has been removed from custody of parents. SB 262 passed; eff. July 1, 2012.		Sub. for SB 394: Foster Parents' Bill of Rights Act. Passed by Senate; died in House Judiciary. Referred to Judicial Council and Special Committee on Judiciary for interim study.	ERO 43: Transferred foster care licensing responsibilities from KDHE to DCF. Eff. July 1, 2015.
HB 2103: Would have changed the criteria for termination of rights, potentially leading to longer foster care stays. Died in House Children and Families.	SB 279/HB 2613: Added family foster home relationships to definition of crime of unlawful sexual relations. SB 279 died in House Corrections, but language included in CCRB for HB 2613. Eff. July 1, 2012.		HB 2586: Would have established State Ombudsman Concerning Child Abuse; included investigation of complaints and monitoring of issues involving children in foster care. Died in House Judiciary without hearing.	SB 37: Foster Parents' Bill of Rights Act, introduced by Special Committee on Judiciary. Currently tabled in Senate Judiciary.
HB 2142: Would have allowed court to direct specific placement for children in SRS custody. Died in House Judiciary (large fiscal note?).	HB 2536: Would have amended CINC code to provide a number of specific rights to grandparents. Died in House Judiciary without hearing (large fiscal note?).		Kansas Judicial Council: Juvenile Offender/Child in Need of Care Advisory Committee issued report and proposed legislation based upon Sub. for SB 294.	SB 148/HB 2244/SB 159/SB 113: Safe Families Act. Power of attorney to delegate care and custody of child for up to one year. Introduced as SB 148 and HB 2244, which were both stricken from calendar. Language placed in SB 159 (also contains provisions related to LEO taking child into custody when drugs present), passed Senate, and is currently in House Judiciary. Language placed in second CCR for SB 113, which was not adopted by House. Referred to Judicial Council for interim study.
	HB 2538: Would have allowed reimbursement for care to grandparents when children are placed with them directly by the court at a disposition hearing; the amount would be limited to the maximum rate foster care parents would receive under similar circumstances. Died in House Social Services Budget Committee.		Special Committee on Judiciary: Considered SB 394 and related reforms. Recommended a Senate bill be introduced containing the Judicial Council's proposed legislation based upon 2014 Sub. for SB 394 and that additional consideration be given to the grievance process.	SB 157: Would have specified that nothing in the CINC Code shall be construed to compel a parent to medicate a child if the parent is acting in accordance with a physician's medical advice. Stricken from Senate Calendar.
			DCF: Appointed Foster Parent and Youth Ombudsman in summer 2014.	SB 158: Would establish CARE family program for foster care. Currently awaiting action in Senate Judiciary.
			Kansas Bill of Rights Workgroup (KBORG): Workgoup initiated by the Kansas Foster and Adoptive Parent Association (KFAPA) to work on foster parent bill of rights and trainings related to foster care. Workgroup involved stakeholders, agency representatives, and other entities involved in Kansas child welfare system.	SB 160: Would require court to take action regarding termination of parental rights within six months of CINC adjudication. Currently awaiting action in Senate Judiciary.
				SB 204: Would add provisions related to calculating visitation time under CINC code. Currently awaiting action in Senate Judiciary.
				Kansas Judicial Council: To study Safe Families Act during interim.
				Special Committee on Foster Care Adequacy: To review foster care contractor oversight by DCF; evaluate whether working group would aid in addressing foster care concerns; study selection and qualification of foster parents; review duties of those responsible for foster children, Safe Families Act, DCF/contractor disconnect, and Grandparents Rights Law.

Testimony of:

Tina Woods

Testimony on: Senate Bill No. 37

I want to thank the Chair and the committee for the opportunity to testify on Senate Bill 37.

I am Tina Woods, the past President of the Kansas Youth Advisory Council (KYAC). KYAC is comprised of a group of current and former foster youth from across the State of Kansas who advocate for the rights of youth in care and to improve the child welfare system.

I spent six years in foster care before I “aged out” and these experiences drastically improved my life and afforded me a number of opportunities I would not have otherwise had. One of the biggest supports I had during this time was my foster mother who not only has supported me while I was placed in her home, but to this day, and has taken the role of my family. For this I am grateful. It is my desire for other youth to have similar support and a positive experience as well.

This past year, I have served on a workgroup to develop a Kansas Foster Parents’ Bill of Rights. My role was to provide feedback to ensure a foster parent bill of rights did not conflict, but supports the Foster Youth Bill of Rights.

Today I am offering a testimony in opposition of a statutory foster parent bill of rights. Foster parents are important and necessary to ensure the needs of youth in care are met. However, I do not believe legislation is necessary to meet the request of foster parents.

Senate Bill 37 was created as a resolution to foster parents who have concerns about their rights within the system. I am familiar with this concern. Foster youth also faced concerns that they did not have rights within the child welfare system. As we began to explore resolutions to this issue, we realized youth did have rights within the child welfare system. However, youth were not aware of these rights, and it was a matter of educating them in a way that was clear and concise for everyone to understand. KYAC developed a one-page document outlining the rights of youth in care and the grievance process if a youth believed their rights were being compromised. The Youth Bill of Rights document was then designed in a comprehensive manner. This has proven to be an effective approach to educating our youth. Just as the youth already had rights, but were not aware, so do our foster parents. They also need a document that specifically outlines their rights and the grievance procedure, should it be necessary for further action.

Most policies and procedures are developed in a manner to allow for flexibility as all cases of youth in care are different and need to be treated on a case by case manner. Placing the foster parents’ rights within statute is much more limiting, as it needs to be specific to allow for the appropriate repercussions, should these laws be violated.

Specifically, in the first paragraph at the top of page 2 of Senate Bill 37, it suggests that the Kansas Department for Children and Families (DCF), should provide foster parents with

information regarding the previous placements for our youth, including reasons for removal and contact information, if permitted, of these former placements. This is not beneficial for any persons in the youth's life. Foster parents are provided with pertinent information regarding a youth's case that is necessary to provide care to the youth, as detailed in K.S.A 38-2212.

Providing a new placement with details concerning the reasons for a youth's move does not allow the youth or the placement to begin their relationship in an unbiased manner. If the reasons for removal concern the well-being or safety of the foster family, the foster parents already have a right to be informed of this information.

Lastly, foster youth do form relationships with their foster parents. When a youth moves, should it be to reintegrate with their family, or to ensure the youth is placed with a sibling or biological family member, they will maintain contact with the foster family naturally if there were close emotional ties. Maintaining contact with the previous foster family should be left to the decision of the youth and their families. Should the youth and/or the foster family placement disrupt, there are logical reasons for contact not to continue due to the best interest of the child.

In conclusion, although I do not support the passage of Senate Bill 37, I do believe DCF should work with foster parents to develop a Foster Parents' Bill of Rights document. The development of a comprehensive document that allows foster parents to understand their rights is good for the child welfare system and all the children within that system.

Again, thank you, and I will now stand for questions.

DO YOU KNOW YOUR RIGHTS AS A KANSAS FOSTER YOUTH?

YOU HAVE SCHOOL RIGHTS:

- to have all appropriate school supplies, services, tutoring, extra-curricular, cultural, and personal enrichment activities
- to attend school daily
- to receive your high school diploma if you have earned the 21 standard credits

YOU HAVE THE RIGHT TO HAVE YOUR PRIVACY PROTECTED AS LONG AS IT'S SAFE:

- to send and receive unopened mail and phone calls (unless court ordered)
- to have regular contact from and access to case managers, attorneys, and advocates and be allowed private conversations with such individuals
- by workers and foster parents who should share information about you that is accurate and necessary for your well being

YOU HAVE THE RIGHT TO:

- as few changes in workers as possible
- to contact your worker's supervisor if you have a conflict with your worker that can't be worked out between the two of you

YOU HAVE RIGHTS IN COURT, YOU CAN:

- be notified of all hearings, when age and developmentally appropriate
- attend all court hearings
- attend all court hearings if deemed appropriate by case planning team if less than 10 years old
- go to court and tell the judge what you think about any placement or placement change that is proposed
- have your "best interests" represented in court by a GAL
- ask for a lawyer who will tell the court what you want, not necessarily your "best interest"

WHEN AGING OUT OF CARE, YOU HAVE THE RIGHT TO:

- be an active participant in developing a transition plan
- have services and benefits explained
- have a checking or savings account (when appropriate)
- learn to manage money (if right for your age, development level, and it's in your case plan)
- learn job skills for your age
- be involved in life skills training and activities

YOU HAVE THE RIGHT TO LIVE IN A SAFE, COMFORTABLE PLACEMENT:

- where you live in the least restrictive environment
- where you are treated with respect, have a place to store your things and where you can receive healthy food, adequate clothing and appropriate personal hygiene products
- with siblings when possible unless ordered by the court
- with a relative that should be the first placement to be investigated and considered. If family is not an option then you may request that someone from your community with similar religion or ethnic heritage be investigated and considered for placement
- and have visits with family unless ordered otherwise by the court
- with as few moves as possible
- and make a list of items you want to take with you when you are placed out of home and give to your case manager
- and have all your belongings move with you
- where your belongings are packed in a suitcase or duffle bag if moved or going on a visit

DO YOU THINK YOU ARE BEING TREATED DIFFERENTLY?

If you feel you are being harassed or treated differently for any reason that has nothing to do with your care or safety, you should call your provider's constituency services person [1-844-279-2306](tel:1-844-279-2306) for assistance.



Department for Children
and Families

Strong Families Make a Strong Kansas

Senate Committee on Judiciary

February 11, 2015

Presented by:

Kathy Armstrong
Assistant Director for Legal Services
Kansas Department for Children and Families

Andrew Wiens, Director of Policy and Legislative Affairs
Docking State Office Building, 6th Floor North
(785) 291-3629

Testimony of:

Kathy Armstrong, Assistant Director for Legal Services
Kansas Department for Children and Families
Topeka, Kansas

Testimony on: SB 37 Kansas Foster Parents' Bill of Rights

Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

I am Kathy Armstrong, Assistant Director for Legal Services, Prevention and Protection Services, Kansas Department for Children and Families (DCF).

Senate Bill 37 provides for the establishment of a statutory Foster Care Bill of Rights and related issues. Our agency values and appreciates the role foster parents fill in the lives of children who have for various reasons been removed from their home and placed in the custody of the Secretary of DCF. Our first goal is always to ensure the safety of children in our care, promote permanency with priority to returning them to their family and promote their well-being. Foster parents provide a stable and safe environment for children while they are temporarily placed out of their home.

Steps DCF Has Taken:

Foster Parents' Rights Communicated to Foster Parents—DCF has taken proactive steps to address concerns of foster parents. We developed and adopted a Foster Parents' Rights document during the summer of 2014, which is available on the DCF website. Please find attached a copy of this document. The DCF Foster Parents' Rights was prepared as a result of researching similar provisions that have been adopted or enacted into law in other states. It addresses many topics, is consistent with the wholly-privatized child welfare system as it exists in the State of Kansas and the many statutes, regulations and agency policies already in effect in Kansas. In addition to DCF's adoption of the Foster Parents' Rights, the agency appointed in June 2014 a Foster Parent and Youth Ombudsman. The Ombudsman specifically addresses concerns of foster parents and youth who have been or are in foster care. A packet containing a letter from the DCF Secretary, announcement of and contact information for the Ombudsman, and a newsletter that included the Foster Parents' Rights was mailed to every licensed foster home in the state of Kansas during summer 2014.

Workgroup Collaboration—a workgroup organized by the Kansas Foster and Adoptive Parent Association (KFAPA) made up of many stakeholders/agencies/entities involved in the Kansas child welfare system was initiated last year, and has met regularly to address concerns/issues related to foster parents' rights. When the issue was discussed of whether foster parents' rights should be in policy or statutory form, the group voted by a strong majority that they should be in policy form. This representative

group at that time planned to move forward by utilizing the current DCF Foster Parents' Rights document referred to above and discussed what, if any, proposed revisions such group members will submit in the future to DCF.

Concerns regarding SB 37:

a. Impact of KDHE-DCF ERO:

The proposed legislation sets forth the roles of DCF and the Kansas Department of Health and Environment (KDHE) with respect to the child welfare system. Pursuant to the recently-announced Executive Reorganization Order by the Governor, the licensure of all foster care homes will transfer to DCF and a number of the provisions in SB 37 will then be obsolete and inaccurate, as such provisions are reflective of the current licensure process/law/regulations.

b. Federal Child Welfare Laws:

Significant portions of federal law govern/impact child welfare and should always be considered when enacting state legislation. For example, the Fostering Connections to Success and Increasing Adoptions Act helps children and youth in foster care by promoting permanent families for them through relative guardianship and adoption.

c. Confidentiality:

The new *Section 1* is lacking specific language to require foster parents to maintain the confidentiality of information they receive from the agency regarding the children in their care.

d. Placement Preference:

Section 3. K.S.A. 2014 Supp. 38-2255 (d)(1). The first sentence of the provision is proposed to be amended as follows: "When a custody is awarded to the secretary, the secretary shall consider any placement recommendations by the court and *"when possible, the order of preference established under K.S.A. 38-2270(b), and amendments thereto, and shall"* notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody" (new language is in italics). This new proposed language is unnecessary and confusing. The options for placement are already set forth in the preceding paragraph-38-2255(d). K.S.A. 2255 addresses the disposition stage of CINC proceedings, and 28-2270 relates to the stage of proceedings after parental rights have been terminated and "it appears that adoption is a viable alternative. The existing statutory provisions adequately and fully set forth options and procedures for each of these two different stages of CINC proceedings.

e. Grievance Process:

Section 4. K.S.A. 2014 Supp. 38-2258 is proposed to be amended by adding provision (f)(1) through (5). It is a summary of the grievance process available to

foster parents who are notified a foster child who has been in their home more than 30 days, but less than six months, will be moved to another placement. (Statute addresses moves regarding children who have been in a foster home for more than six months.) DCF's contracted providers already have a grievance process in place, per policy, to address concerns of foster parents and others involved in the foster care process. DCF does not support the inclusion of this language in statute. It can be sufficiently provided for in policy. The proposed language indicates a child cannot be removed during the grievance process. There is no added language "unless otherwise ordered by the Court." This does not take into consideration a child allegedly being subjected to maltreatment by a foster parent which would require an immediate move. 38-2259 (emergency change of placement) may not adequately address this specifically in light of the new proposed language. The Judicial Council Report form appropriately addresses possible unintended consequences of this provision. DCF and other State agencies expressed concern about potential delays in permanency for children. The fundamental liberty interest of parents in the care, custody and control of their children is one of the oldest recognized by the U.S. Supreme Court. DCF must consider the rights of the biological parents' with respect to their children in care. The first efforts are made toward reunification with the child's family, and statutorily bestowing rights on foster parents as early as 30 days after initial placement could arguably infringe upon the rights of birth parents. Foster youth have also expressed concern of the statutory establishment of foster parents' rights regarding children in their care as early as 30 days after placement.

At the hearing held on Jan. 5, 2015, before the Special Committee on Judiciary, KFAPA presented results from a survey that was sent out to the organization's nearly 2,000 members. Of the 2,000, 51 (less than 3 percent) foster families responded. DCF has noted the concerns expressed and will work to continue to improve in areas mentioned by the foster families who responded.

DCF's role is to ensure the safety of children who come into contact with our agency. In the event the child must be removed from his/her family home for safety reasons, DCF will then, pursuant to State and federal child welfare laws and best practice, work to support and provide services to the family with a goal of reunification between the child with his/her family. Foster parents provide an invaluable service to the State of Kansas and vulnerable children who need love, understanding and compassion. It is our goal to maintain open communication with our foster parents and assist them as they provide the best possible care for the children in their home.

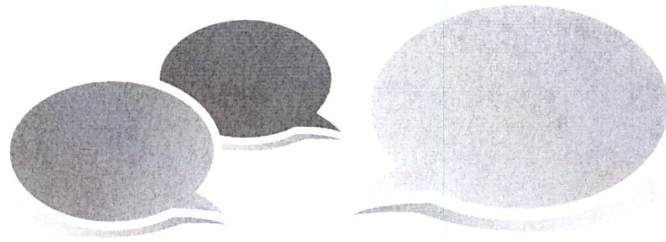
DCF is neutral with respect to SB 37. Thank you for the opportunity to submit testimony about this proposed legislation.

Kansas Foster Parents' Rights

1. The right to be treated by DCF and other partners in the care of abused and neglected children with dignity, respect and trust as a primary provider of foster care and a member of the professional team caring for foster children.
2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap per Kansas statute.
3. The right to continue with their own family values and beliefs, so long as the values and beliefs of the foster child and the biological family are respected and not infringed upon. Consideration shall be given to the special needs of children who have experienced trauma and separation from their families.
4. The right to exercise decision making in connection with foster child, consistent with the limits of the policies, procedures, and other directions of DCF, Kansas Department of Health and Environment (KDHE) and within the limits of state and federal law.
5. The right to receive standardized pre-service training by DCF or the placing agency and at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents skills.
6. The right to receive timely financial reimbursement according to agreement and applicable law and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement.
7. The right to receive information regarding services and to reach DCF and/or DCF contracted provider personnel during regular business hours and the right to have information for contact number after business hours in the event of an emergency.
8. The right, prior to the placement of a child, to be notified of any issues relative to the child and known to DCF and/or DCF contracted provider at such time and which may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered.
9. The right to discuss known information regarding the child prior to placement. DCF will provide such information as it becomes available as allowable under state and federal laws.
10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home.
11. The right to receive any available information through DCF regarding the number of times a foster child has been moved and the reasons therefor; and to receive the names and phone numbers of the previous foster parents if the previous foster

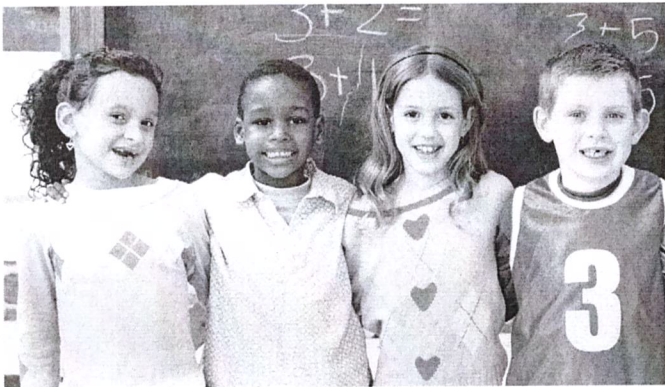
parents have authorized such release and as allowable by law.

12. The right, during the time a child is placed with the foster parent, to receive from DCF information known to DCF and relevant to the care of the child.
13. The right to provide input and participate in the case planning process regarding the child and the right to participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the biological family is important to the child and necessary to the success of timely reintegration if reintegration is the case plan.
14. The right to communicate with the child's Child Welfare Provider Case Manager (CWPCM) and to share and obtain relevant and appropriate information regarding child in placement.
15. The right to communicate for the purpose of participating in the case plan of the foster child with other professionals who work with such child within the context of the professional team including, but not limited to, therapists, physicians, and teachers, as allowable by regulation, state and federal law.
16. The right to be notified in advance, of any court hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court and the right to submit a completed Foster Parent Court Report Form per DCF policy.
17. The right to be considered, where appropriate, as a placement option when a child who was formerly placed with the foster parents has re-entered the foster care system.
18. The right to continue contact and/or communication with child subsequent to the child moving from the foster parent/s' home, subject to the approval of the child and child's biological parent/s whose rights have not been terminated.
19. The right to direct questions to KDHE regarding information, concerns, policy violation and/or a corrective action plan relating to licensure as a foster family home.
20. The rights and responsibilities enumerated hereinabove shall be given full consideration when DCF develops and approves policies regarding foster care and adoptive placement.



foster parent NEED TO KNOW

2014



Currently, there are approximately 6,000 children in foster care in Kansas. You're doing a tremendous, much-needed service.

In an ongoing effort to ensure effective communication between foster parents, the Kansas Department for Children and Families (DCF), foster care providers and community partners, we would like to provide you with a summary of what you need to know as you begin or continue your service as foster parents.

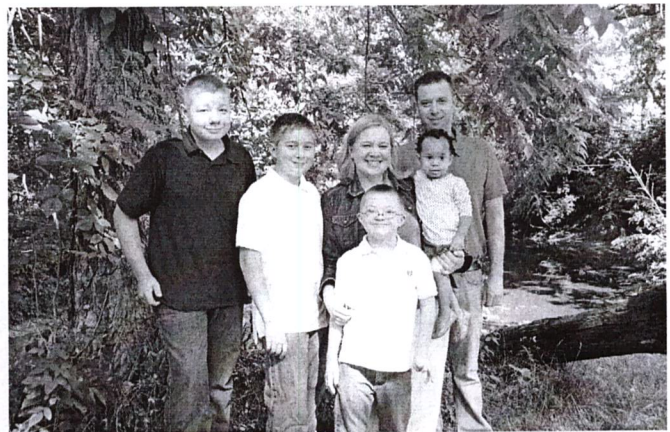
In this packet, you will find a list of 20 rights to which you are entitled as a foster parent. Please keep this list handy in case you need to refer to it down the road. Also in the packet, we have provided contact information for our contracted foster care case management providers. As of July 1, 2014, we have a new Foster Parent and Youth Ombudsman. In this packet, Niomi Burget will introduce herself to you and provide her contact information. She is available to you to help you in any way as you serve children in foster care.

For your convenience, we have included the Report from Foster Parents form. Should you need this form, please complete it and submit it to the court.

We hope you find this information useful. We look forward to working closely with you to protect and serve Kansas children.

The Vesper Family

The Vesper family was called to help children in need after watching a news story three years ago, about a little boy with down syndrome who allegedly suffered abuse. The Vespers were moved to tears and immediately contacted a foster care provider for the State of Kansas. They took the required classes and obtained their licensing. The Vesper family invites others to take this same journey and feel the joy of bringing love, security and hope to children in need.



Kansas Foster Parents' Rights



Thank you!

As a Kansas foster parent, you are a valued member of the child welfare system. We are here to let you know your rights as a foster parent and provide you any assistance that you may need. Foster parents are volunteers who provide care for children who are in the custody of the Department for Children and Families (DCF). They play an integral, indispensable and vital role in the State's effort to care for dependent children displaced from their homes. We believe Kansas foster parents should play an active role in the child welfare system and be supported. You are entitled to the following rights:

1. The right to be treated by DCF and other partners in the care of abused and neglected children with dignity, respect and trust as a primary provider of foster care and a member of the professional team caring for foster children.
 2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap per Kansas statute.
 3. The right to continue with their own family values and beliefs, so long as the values and beliefs of the foster child and the biological family are respected and not infringed upon. Consideration shall be given to the special needs of children who have experienced trauma and separation from their families.
 4. The right to exercise decision making in connection with foster child, consistent with the limits of the policies, procedures, and other directions of DCF, Kansas Department of Health and Environment (KDHE) and within the limits of state and federal law.
 5. The right to receive standardized pre-service training by DCF or the placing agency and at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents skills.
 6. The right to receive timely financial reimbursement according to agreement and applicable law and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement.
 7. The right to receive information regarding services and to reach DCF and/or DCF contracted provider personnel during regular business hours and the right to have information for contact number after business hours in the event of an emergency.
 8. The right, prior to the placement of a child, to be notified of any issues relative to the child and known to DCF and/or DCF contracted provider at such time and which may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered.
 9. The right to discuss known information regarding the child prior to placement. DCF will provide such information as it becomes available as allowable under state and federal laws.
 10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home.
 11. The right to receive any available information through DCF regarding the number of times a foster child has been moved and the reasons therefor; and to receive the names and phone numbers of the previous foster parents if the previous foster parents have authorized such release and as allowable by law.
 12. The right, during the time a child is placed with the foster parent, to receive from DCF information known to DCF and relevant to the care of the child.
 13. The right to provide input and participate in the case planning process regarding the child and the right to participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the biological family is important to the child and necessary to the success of timely reintegration if reintegration is the case plan.
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 15. The right to communicate for the purpose of participating in the case plan of the foster child with other professionals who work with such child within the context of the professional team including, but not limited to, therapists, physicians, and teachers, as allowable by regulation, state and federal law.
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 18. The right to continue contact and/or communication with child subsequent to the child moving from the foster parent/s' home, subject to the approval of the child and child's biological parent/s whose rights have not been terminated.
 19. The right to direct questions to KDHE regarding information, concerns, policy violation and/or a corrective action plan relating to licensure as a foster family home.
 20. The rights and responsibilities enumerated hereinabove shall be given full consideration when DCF develops and approves policies regarding foster care and adoptive placement.
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Independent Living Outreach helping youth as they age out of foster care



Bubba Dowling - DCF Independent Living Outreach Coordinator
Bubba has recently been hired in the Independent Living Program where he is the new Independent Living Outreach Coordinator. His job is to reach out to agencies, community groups, and faith-based organizations to inform them about the services CF offers to young people aging out of foster care. There is a great need to let people know of the supports that are available to these youth, and Bubba is helping CF meet that need. If you or your organization wants to know more about what CF can offer to help youth learn to live on their own, seek employment, get career training, further their education, and apply for medical benefits, Bubba is available to provide you with that information. As part of his efforts, Bubba works closely with the Kansas Youth Advisory Council (KYAC) to gather feedback and ideas on how to better serve youth. For more information, call 1-785-296-4653 or visit IL.dcf.ks.gov.

Foster Care Statistics

There are currently 6,019 children in foster care in Kansas.
Approximately 2,500 family foster homes are licensed in Kansas.
Approximately 380 children are available for adoption in the state.
86 percent of children in foster care are placed in a family-like setting.
The average age of a foster child is eight.
13 percent of children in foster care are under six;
15 percent are 16 or older.
Children who will be reunited with their parents, spend an average of eight months in foster care.
(Data provided, as of May 2014)




To be a successful foster parent:

1. Know your own family.
2. Communicate effectively.
3. Know the children.
4. Build strengths; meet needs.
5. Work in partnership.
6. Know about loss and attachment.
7. Manage behaviors.
8. Build connections.
9. Build self-esteem.
10. Assure health and safety.
11. Assess impact.
12. Make an informed decision.

Kansas Foster and Adoptive Parent Association (KFAPA)

The Kansas Foster and Adoptive Parent Association (KFAPA) is an excellent resource for foster parents. KFAPA helps families access support, services and information. To learn more, visit KFAPA.com.



“Help me
succeed!”



upcoming TRAINING

The Children's Alliance has offered trainings since 1998 for current and potential foster and adoptive parents, as well as for child welfare agency staff, case workers and supervisors. Many offerings are made available through the courtesy of child placing member agencies. Grant and contract funding enables them to offer classes free to anyone who lives in the State of Kansas and works in the child welfare field.

For a complete list of foster care classes, visit <http://Childally.org/train/>.



DCF Contracted Providers

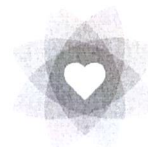
Kansas Department for Children and Families (DCF) has two contracted foster care and family preservation services providers. Saint Francis Community Services serves DCF's West and Wichita regions. KVC serves DCF's East and Kansas City regions. Feel free to contact the provider in your area.



**Saint Francis
Community Services®**

Strengthening Families Since 1945

509 E. Elm St.
P.O. Box 1340
Salina, KS 67402
1-785-825-0541
1-800-423-1342



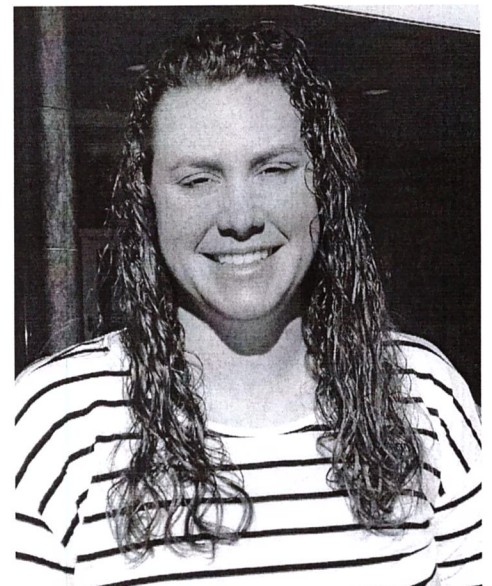
KVC

Kansas

people matter

KVC Kansas
7940 Marshall Dr.
Lenexa, KS 66214
1-913-322-4900
1-888-655-5500

My name is Kendra, and I am here to help! Feel free to call me toll free at 1-844-279-2306 or by email at fosterparent@dcf.ks.gov



Strong Families Make a Strong Kansas

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March 16, 2015

Kansas House Committee on Judiciary
Representative John Barker, Chair

RE: 2015 SB 159: Power of Attorney for Care and Custody of a Child

Hearing Date: March 17, 2015

TESTIMONY OF RONALD W. NELSON
OPPOSING SB 159

Chairman Barker and Members of the Committee:

I am a family law attorney in Johnson County. I've practiced family law for over 25 years. My practice is focused on complex issues in family law and high conflict child custody litigation. Many of those cases involve parents who are trying to keep a child away from the other parent – for good reasons or bad, but usually for reasons that are selfish, spiteful, and not considerate of either the rights or best interests of the child involved. This bill falls into the category of bills that would enable bad behavior from parents, encourage using a child as a pawn for hateful and manipulative purposes, and would create havoc in – and out – of litigation over parenting rights and time.

SB 159 purports to create a “power of attorney” allowing “a parent” to “delegate to another person” for a period of up to one year “any of the powers regarding the care and custody of the child.”

The bill appears to be written with military servicemembers in mind; but the bill doesn't actually limit its coverage to that situation. Although section 1 references a “serving parent,” other portions of the bill simply refer to “a parent.” The bill is not thought out in any way. It appears written to cover a situation to prevent a child from being taken into State care when a parent is unavailable and the parent has delegated some other person to take care of the child; but again, the bill applies to many more situations than where potential Child In Need of Care proceedings might be instituted. It would apply when there are two full-engaged and fit parents – one or both of whom don't want the other parent to have any involvement with their child.

The bill does not seem drafted with Kansas law in mind.

For example, the bill allows that, “A parent or legal custodian of a child may . . . delegate to another person . . . any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child.” But it's unclear what those rights of “care and custody of the child” encompasses. Kansas law has generally done away with the term “custody.” It is a possessory

RE: 2015 SB 159: Power of Attorney for Care and Custody of a Child
Ronald W. Nelson Testimony in **Opposition**

term that describes very little and is often improperly used to cover a whole range of actions and desires that, in law, it doesn't. It potentially allows the "attorney" for care and custody to assume some type of "co-custodial rights" with a parent or parents – the division of which is unclear.

The bill would allow a parent in a high conflict child custody cases to assign his or her "rights" to someone else without the other parent's knowledge or consent, with the "attorney for child custody" then taking over unspecified powers and seeking to exercise control over the child even if the other parent disagreed with the decisions.

As concerning as those things in the bill are, perhaps more concerning are the provisions NOT in the bill:

- (a) Notice to the other parent;
- (b) Whether the Power of Attorney is filed with any authority or court or is made known to anyone else;
- (c) Effect on the application of the federal Indian Child Welfare Act if the child is on a Tribal Roll;
- (d) No Limits on whom the Power of Attorney can be delegated (e.g. a person already found to be an unfit parent, a person with child-abuse or child-endangerment filings, charges or concerns);
- (e) Effect on child support obligations and receipt

Since the power of attorney is invokable and revocable at any time by "a" parent, how does a third party know at any given time whether or not a power of attorney exists, can be relied upon if presented, or has been revoked or re-instituted?

Because of the provision in the bill providing for "automatic termination" after one year, how does anyone know when the power began? Did it begin when signed? Did it begin when first exercised? Did it begin when first presented to a third party? Did it begin at some other time? And how does anyone find out when this beginning time is or when the one year is complete resulting in "automatic termination?"

Section 3(d) provides the execution of a power of attorney by a parent or legal guardian, "shall not constitute abandonment, abuse or neglect" unless the parent or legal guardian "fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed." But what does any of this mean? What constitutes a "fail[ure] to take custody?" ("custody" in this context is not term used in Kansas law.) Would the failure of a parent to execute a new power of attorney at the end of the one-year time limit constitute prima facia evidence that the child was abandoned, abused or neglected? Can a parent execute an unending series of "powers of attorney for custody" giving a non-parent total authority over a child without court order, action, or oversight?

Section 3(e) provides that, "the child or children subject to the power of attorney shall not be considered as placed in foster care and the parties shall not be subject to any of the requirements or licensing laws, rules or regulations for foster care or other regulations relating to community care for children it is important to specify the time period that the power of attorney is in effect." So does this mean that a parent can give the child to another person without any restrictions on whom that person is? On their qualifications or safety concerns? Can this bill be used as a way to "sell" or "give" children to another without any government intervention, oversight, or regulation? How is the child protected?

RE: 2015 SB 159: Power of Attorney for Care and Custody of a Child
Ronald W. Nelson Testimony in **Opposition**

The bill raises other questions – without any answer:

Who will claim the child as a dependent on an IRS 1040 Return for the calendar year?

Does the person designated “power of attorney for custody” meet the IRS requirements for claiming the child under 26 U.S.C. §152?

How is qualification for State assistance of the child determined? What are the effects on the child’s KanCare benefits? Is the child’s qualification determined by the parent’s needs? By the needs of the person designated “power of attorney for custody?”

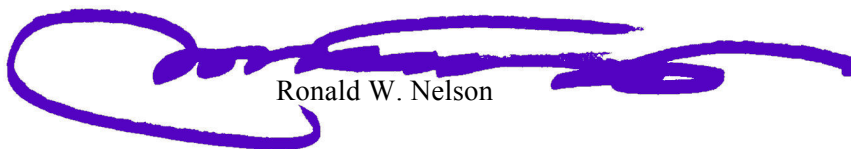
Who provides health insurance coverage if the child is not eligible for State assistance?

What if the child is seriously injured and receives a financial settlement? Who is to administer those funds for the child’s benefit?

Is the person designated as “power of attorney for custody” an “interested party” in CINC proceedings? Is the person designated as “power of attorney for custody” a necessary party in proceedings to modify a parenting plan? To establish a parenting plan? To modify a child’s residence between parents?

The provisions of the bill are not well thought out. The provisions do not consider what really happens in Child in Need of Care cases or any other kind of case; but seems based on a reaction to a few cases based on limited information. This Committee should not approve this bill. It has the potential of being more harmful to children who need care than to the rights of the parents it purports to help. It has the probability of creating higher conflict in already conflicted cases, of inserting more litigants into already complex cases, and to encourage dysfunction between parents by allowing one parent to “give” the child to another person without notifying, discussing, information, or considering the rights, wishes, desires, or expressed opposition by the other parent. And the child’s best interest appear to have NO considerations in the bill.

I strongly oppose this bill and ask that this Committee decline to move it forward.



Ronald W. Nelson



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Chiefs of Police**
PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**
PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**
PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the House Judiciary Committee
Neutral Testimony on SB159
March 17, 2015**

Chairman Barker and Committee Members,

Our interest in this bill is in section 8, amending KSA 38-2231, concerning the taking of children into CINC custody when a drug violation is found in their home. In one way this seems to clarify the legislative intent of when you want us to take children from the home where illegal drug activity is involved, but in another way it raises some uncertainty for us.

When our associations first vetted this bill with our members the general response was that we already do this under KSA 38-2231 (b)(1) with the caveat usually added, “we just have to accurately word our documents to demonstrate the risk of harm.” The general responses also indicated a belief the bill does no harm and may be helpful in some drug related cases.

However, I have had several messages from law enforcement leaders and legal advisors since this bill was introduced. One response I received last week in regards to the Senate Committee amendments pretty well summarizes the points of all the responses:

I don't think the new subsection causes that many problems related to the CINC action. It seems that when most officers find drug manufacturing or drug sales in a house where children are present, they already consider it an endangerment situation and take the kids into custody.[Under subsection (b)(1)] Since drug sales or manufacturing are always a dangerous business, I don't see that as much of a problem.

However, I have more concern about when the parents are drug users. Does a bag of weed for personal use give an officer a reasonable belief that such violation threatens the safety of the child? What happens where the parents are arrested and we take the weed but don't remove the children. Then after the parents bond out of jail they buy another bag of weed and, due to their lack of parenting skills something bad does happen to the child. The ex-spouse or Grandparents will probably sue the officers and agency claiming they violated a duty. The presence of a statutory duty makes it easier for Grandparents to get their case to a jury where the parties will argue about whether the presumed violation was foreseeable or caused the harm, or whether the officer's actions were reasonable under the circumstances.

Additionally, some concern has been voiced about the similarities but slight differences between (b)(1) and (b)(4). Subsection (b)(1) uses “. . .the child will be harmed if not immediately removed. . .” and subsection (b)(4) uses “. . .such violation threatens the safety of the child. . .” creating two different standards to apply in similar situations. Will the addition of (b)(4) unintentionally alter the interpretation of (b)(1) when we are dealing with a situation not involving drugs? What is the difference between conditions that will “harm the child if not immediately removed” versus conditions

that “threatens the safety of the child,” without the clause “if not immediately removed?” Is this saying in (b)(4) the risk may not be immediate but may be a future risk? If that is the case, is there time to seek a court order prior to removal of the child if the risk is not immediate?

In summary, our members believe we are able to carry out the objective of this bill with current law in most cases. While we are not opposed to this section of the bill, we are concerned to some degree with unintended consequences. It is a question of whether the advantages of the addition of (b)(4) outweigh any disadvantages it presents, and we are struggling with projecting how those competing issues will balance in the view of the courts.

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