

Report of the Joint Committee on Child Welfare System Oversight to the 2024 Kansas Legislature

CHAIRPERSON: Senator Beverly Gossage

VICE-CHAIRPERSON: Representative Susan Concannon

RANKING MINORITY MEMBER: Senator Oletha Faust-Goudeau

OTHER MEMBERS: Senators Molly Baumgardner, Renee Erickson, Cindy Holscher, and Kristen O'Shea; and Representatives Cyndi Howerton, Susan Humphries, Timothy Johnson, Jarrod Ousley, Susan Ruiz, and Jeff Underhill

CHARGE

Review the Child Welfare System

Pursuant to KSA 2022 Supp. 46-3901, the Committee is directed to review:

- Data on child maltreatment and demographic trends impacting the child welfare system;
- The duties, responsibilities, and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the Judicial Branch that compose and impact the child welfare system;
- The programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the Judicial Branch that impact children and families at risk of becoming involved or who are involved in the child welfare system;

- Trends, performance outcomes, activities, and improvement plans related to the federal Child and Family Services Reviews;
- Reports from child welfare-related groups;
- Implementation of the 2019 Child Welfare System Task Force report recommendations;
- Reports on concerns received from the DCF Ombudsman or customer service department or similar office;
- Data and trends on family foster home licenses issued pursuant to KSA 65-516(b);
- The exception to the State Child Death Review Board confidentiality for city or county entities with the express purpose of providing local review of child deaths (KSA 2022 Supp 22a-243); and
- Any other topic the Committee deems appropriate.

Joint Committee on Child Welfare System Oversight

ANNUAL REPORT

Conclusions and Recommendations

The Joint Committee on Child Welfare System Oversight (Committee) makes the following recommendations to the 2024 Legislature:

- The concept of the Support, Opportunity, Unity, and Legal Relationships (SOUL) Family Legal Permanency Option be supported, and a bill regarding this topic be introduced;
- A bill amending the fiduciary responsibilities of guardians *ad litem* be explored by legislative staff, taking into consideration the contents of HB 2381 from the 2023 Legislative Session;
- Legislative staff review and report back to the Committee regarding the rights of biological parents once a child-in-need-of-care petition has been filed;
- Two members of the Committee develop a standardized rubric to be utilized by child welfare case management and family services providers in reporting outcomes to the Committee;
- The following information be reported on by the Department for Children and Families at a future Committee meeting: 1) what the State is doing regarding fetal alcohol spectrum disorder screenings currently; 2) how the needs of children in homeless encampments are being addressed; 3) what policies are in place among utility companies to avoid terminating utility services when children are present in the home; and 4) what grant funding is available in the state for nonprofit organizations to support children with disabilities; and
- The House Committee on Child Welfare and Foster Care review HB 2299 from the 2023 Legislative Session.

Proposed Legislation: None.

BACKGROUND

HB 2158, enacted in 2021 and codified at KSA 46-3901, established the Joint Committee on Child Welfare System Oversight (Committee), composed of 13 members, and charged the Committee to review:

- Data on child maltreatment and demographic trends impacting the child welfare system;
- The duties, responsibilities, and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas

Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the Judicial Branch that comprise and impact the child welfare system;

- The programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the Judicial Branch that impact children and families at risk of becoming involved or who are involved in the child welfare system;
- Trends, performance outcomes, activities, and improvement plans related to the federal Child and Family Services Reviews;
- Reports from child welfare-related groups;
- Implementation of the 2019 Child Welfare System Task Force report recommendations;
- Reports on concerns received from the DCF Ombudsman or customer service department or similar office;
- Data and trends on family foster home licenses pursuant to KSA 65-516(b);
- The exception to the State Child Death Review Board confidentiality for city or county entities with the express purpose of providing local review of child deaths (KSA 2022 Supp 22a-243); and
- Any other topic the Committee deems appropriate.

COMMITTEE ACTIVITIES

The Committee met once during the 2023 Legislative Session, on March 31. The Legislative Coordinating Council approved four more meeting days during the 2023 Interim. The Committee met three times: June 29, August 22, and October 4.

March 31 Meeting

Child Welfare System Presentations from Individuals, Providers, and Organizations

Five private citizens provided testimony regarding their experiences with the child welfare system:

- An adoptive and foster parent stated there is a need to recognize and treat the trauma that is perpetuated by the foster care system in Kansas;
- An adoptive and foster parent described the many issues encountered while trying to adopt two brothers and expressed frustration over the lack of oversight of guardians *ad litem* (GALs);
- A victim of domestic violence described the support provided to her and her children by the Kansas Children's Service League;
- A foster parent expressed concern about the lack of professional licensing requirements of case workers; and
- An adoptive and foster parent described her challenges in caring for foster children with special needs and expressed appreciation for the Kansas Division of the Child Advocate (KDCA).

A representative of the Sisters of Charity of Leavenworth stated each legislative policy should take into account how it will impact children and families in Kansas and asked the Committee to be cautious in adopting policies advocated by organizations with no ties to Kansas.

A foster care worker stated the child welfare system has been negatively impacted by an increased number of high-need children who have no other option than to be placed into foster care.

Leading for Results Study on Placement Instability

A representative of the Capacity Building Center for States provided an overview of the findings of a study conducted on foster youth

placement instability in Kansas, provided data on national trends regarding placement instability, and summarized promising initiatives undertaken by various states related to improving stability in the child welfare system.

DCF Update

The Secretary for Children and Families (Secretary) provided an update on programs and services offered by DCF, including the implementation of ten family resource centers across the state, adding services performed by children's behavioral interventionists as a Medicaid-covered service, expanding an intensive mental health program called Multisystemic Therapy statewide, and offering a new level of care for foster children called Therapeutic Family Foster Homes.

The Secretary also noted DCF has added a full-time recruiter position to each child placement agency to enhance foster parent recruitment efforts, and stated DCF was in the early stages of the request for proposal (RFP) process with respect to updating the Comprehensive Child Welfare Information System (CCWIS). The Secretary provided an overview of the Support, Opportunity, Unity, and Legal Relationships (SOUL) program, a partnership with Annie E. Casey Foundation that creates a new permanency option for older youth. She stated work group meetings will be held during the summer and fall to determine what statutory changes were needed to make the program successful in Kansas.

Kansas Division of the Child Advocate Update

The Child Advocate stated the KDCA had begun implementing its case management system and was in the process of making contact with every unified school district, community mental health center, and county health department in the state. The Child Advocate also said KDCA had received 48 formal complaints involving 77 children in the previous three months, and described the most common types of complaints.

Case Management and Family Preservation Provider Updates

Cornerstones of Care. A representative of Cornerstones of Care provided information regarding the history and structure of the

organization, performance outcomes, and average caseload sizes.

A representative of DCCCA described the Sobriety Treatment and Recovery Team (START) model it utilizes to help families dealing with substance abuse.

A representative of KVC Kansas (KVC) outlined opportunities for improvement within the child welfare system and provided information regarding caseload sizes. She stated staff safety, especially for case managers, continues to be a concern.

A representative of Saint Francis Ministries (SFM) detailed two of the organization's prevention programs: Seeking Safety, and Family Centered Treatment. He also noted, while SFM continues to find ways to incentivize individuals to become foster parents, the number of inquiries is decreasing.

A representative of TFI Family Services (TFI) provided information regarding its evidence-based Parent-Child Interaction Therapy program, its psychiatric residential treatment facility (PRTF), and data on caseloads and worker safety. She also urged the Committee to support the passage of HB 2377, introduced in the 2023 Legislative Session, directing the Office of Vital Statistics to provide birth or death certificates to DCF and exempt DCF from fees for such certificates.

June 29 Meeting

Child Welfare System Presentations from Individuals, Providers, and Organizations

A Committee member introduced the Assistant Fire Chief for the City of Ottawa and invited him to speak on the city Fire Department's efforts to implement the state's first newborn safety device program. The Committee member then presented the Assistant Fire Chief with a monetary contribution to the program.

Testimony was presented by six private citizens who described various experiences with the child welfare system:

- A former foster parent recounted how the children she fostered struggled during the time they lived with her. She was

encouraged to contact the children's GAL. She stated the GAL did not adequately meet the needs of her foster children and nobody seemed to care about the GAL's poor performance;

- A community-based mental health provider described her efforts to garner support from case management providers for a grant proposal concerning trauma-informed services;
- A sister of an individual who passed away while receiving services from SFM described various negative interactions with SFM while her brother was alive and following her brother's death;
- The mother of the individual described above asserted her son died as a result of the negligence of SFM;
- A foster parent expressed frustration with retaliatory behavior displayed by case management providers with respect to foster parents who attempt to hold providers accountable; and
- A foster and adoptive parent described the issues she has experienced in fostering and adopting children with disabilities and expressed support for enacting legislation to add an Office of Child Advocate to the statutes.

A representative of FosterAdopt Connect explained the services provided by the organization, highlighting its Community Cafe program, launched in 2022. The Cafe hires young adults with experiences in the foster care system and provides training and support as they embark on their adult lives.

Two representatives of Foster Village Lawrence provided an overview of the services offered by the organization. The organization focuses on providing material resources for a child in the first days of a foster care placement.

2023 Child Welfare Legislative Update

An Assistant Revisor from the Office of the Revisor of Statutes provided an update on legislative activity related to child welfare from the 2023 Legislative Session.

DCF Update

The Secretary provided data on the number of children in foster care, the number of finalized adoptions, and Family First Prevention Services referral outcomes and expanded services that have been made available through Family First.

The Secretary addressed the foster care placement instability findings from the Capacity Building Center for States, and stated the agency has taken steps to incorporate policies piloted in the state of Iowa that have been successful in addressing the causes of placement instability as found by the study.

The Secretary reported that various stakeholders continue to study what statutory changes are needed to implement the SOUL Family Legal Permanency Option in the state.

The Secretary provided status updates on the RFPs being sought to update and improve the CCWIS, as well as the new contracts for case management and family preservation providers.

The Secretary provided an update on FY 2024 foster care budget adjustments and appropriations and reported on the agency's efforts to implement various policies related to child welfare enacted in the 2023 Legislative Session.

National Child Welfare Workforce Institute Collaborative Presentation

The Director of the National Child Welfare Workforce Initiative (NCWWI) explained the Breakthrough Series Collaborative, an 18-month project to cultivate and support a sustainable child welfare workforce in 8 public and 5 tribal program sites, including Northwest Kansas and Northeast Kansas. She also described common workforce challenges as reported by 4,000 child welfare workers who responded to the Collaborative's survey.

The Director of the Northeast Regional Service Center for DCF provided information on how the center is working to address workforce issues by addressing the secondary trauma experienced by child welfare system workers.

KDCA Update

The Child Advocate reviewed KDCA statistics for the second quarter of 2023.

A case analyst presented the findings of the former foster parent survey requested by the Committee at an earlier meeting. Four recurring issues were identified: inadequate training for specific family needs, inadequate communication regarding a foster youth's needs and behaviors, failure of providers to listen to the family's opinions, and inadequate support from caseworkers in navigating challenging aspects of foster parenting.

Case Management and Family Preservation Provider Update

A representative of Cornerstones of Care provided an overview of services provided by the organization, caseload statistics, innovations in workforce training, and statistics on the educational backgrounds of the organization's employees.

A representative of DCCCA explained the types of family preservation services the organization offers, provided an overview of the START program, and reported statistics on the number of families being served by the organization's various programs.

A representative of KVC described the organization's goals, provided statistics on permanency and caseload, and noted efforts being made to reduce overnight office stays and the number of youth who run away from care.

A representative of SFM explained how the organization is working to reduce caseloads and improve recruitment and retention efforts.

A representative of TFI explained the case management and family preservation services provided by the organization and reviewed statistics on the numbers of families and children

served. She also provided overviews of the organization's PRTF and its qualified residential treatment program.

The Chairperson requested each representative respond to questions on these topics: how many foster children the organization is serving, how many individuals are receiving family preservation services, how many people the organization employs, the representatives' greatest concern involving the child welfare system, any social media policies the organization may have, and what retention efforts are being made with respect to employees in supervisory roles.

August 22 Meeting

Child Welfare System Presentations from Individuals, Providers, and Organizations

Five private citizens testified to the Committee:

- A foster and adoptive parent expressed frustration that an interested party cannot appeal a placement decision and stated legislation should be enacted to allow appeals in certain cases;
- An individual expressed his opinion that descheduling cannabis would help mitigate the need for children to enter the child welfare system;
- A clinical social worker warned against personal bias of caseworkers and noted examples of complaints against families that were unwarranted and caused needless trauma for everyone involved;
- A former foster parent described her attempts to hold the GAL appointed to her foster children accountable and stated she would like to see stronger guidelines be established for GALs; and
- A foster parent recounted concerns about the placement recommendation made by a GAL appointed to her foster child and expressed frustration that there was no oversight of the GAL's involvement in the case.

KDCA Update

The Child Advocate provided hypothetical examples illustrating the steps investigators take when complaints are received by KDCA. She encouraged the Committee to utilize resources such as progress reports from the *McIntyre v. Howard* settlement agreement and the federal Child and Family Service Report to help guide further policy changes. The Child Advocate noted KDCA has begun to see caseworkers utilizing the “four key questions” approach when making removal decisions.

Case Management and Family Preservation Provider Updates

A representative of Cornerstones of Care presented testimony regarding organizational structure and statistics, the policies and procedures in place to ensure the *McIntyre v. Howard* settlement agreement requirements are met, efforts to better track and improve outcomes for youth in congregate care, efforts to eliminate office overnight stays, various teams and positions within the organization created to ensure the needs of youth are met, and various performance outcomes of the organization.

A representative of DCCCA stated the organization has focused on foster home retention over the past decade, which has resulted in a higher-than-average retention rate for foster homes sponsored by the organization. She also explained the organization is able to provide many services not traditionally provided to foster families, including services for individuals experiencing a serious emotional disturbance, respite care, and services to children placed in the custody of law enforcement pending a court decision.

A representative of KVC provided a “foster care report card,” noting key data points across the child welfare system in the state. She also provided data on performance outcomes within KVC, including permanency, overnight office stays, caseloads, runaway youth, and workforce retention. She stated KVC’s recommendations to improve the child welfare system in Kansas will always be based on prevention.

A representative of SFM provided a comparison of data on out-of-home placements nationwide versus in Kansas, showing higher per

capita rates for foster homes and foster children in Kansas than the nationwide average, and posed the question of what makes the child welfare system unique in Kansas that may have resulted in this disproportionality.

A representative of TFI noted that the removal of a child from a home often creates additional problems for a family, even though the intent is to protect the child. He also noted coordinating care in communities with limited resources is a challenge, but case management providers should develop relationships with other providers wherever they can to help the families they serve. The representative noted the systemic challenge in caring for children with complex needs and those who exhibit behaviors that are difficult to manage.

DCF Update

The Secretary stated the number of children in foster care has declined in FY 2023, noting the number of children entering foster care has decreased faster than has the overall number of youth in care.

The Secretary provided an update on the CCWIS RFP, stating DCF had received bids from 11 vendors, and encouraged bidders to propose implementation plans to be as timely as possible. She also stated the foster care case management provider contracts would be awarded in December 2023, with new contracts to begin July 1, 2024.

The Secretary provided an overview of the federal Child and Family Service Report process and provided highlights of the Kansas report, received on August 2, 2023. She stated the next step of the process is creating DCF’s performance improvement plan by October 16, 2023.

The Secretary also stated the second progress report required by the *McIntyre v. Howard* settlement agreement was released August 14, 2023, and she reviewed key findings. While the report showed that the State has not shown enough progress overall, improvements were made in placement stability and licensing capacity standards. Challenges noted in the report included failure to meet youth mental health needs and failure to place. The Secretary noted several policies in progress to address the deficiencies outlined in the report, including making behavioral

interventionist services a Medicaid-covered service and providing evidence-based practices for functional family therapy beginning in fall 2023.

The Secretary suggested too many children are entering into care for reasons other than safety, and there is a need to strengthen and clarify statutory language to distinguish poverty from neglect. She also suggested family treatment courts, a partnership with the Kansas Judicial Branch, may reduce the length of time in care by providing substance use treatment services at no cost to parents.

October 4 Meeting

Child Welfare System Presentations from Individuals, Providers, and Organizations

The President of the Kansas Fetal Alcohol Spectrum Disorder (FASD) Support Network and Chief Executive Officer (CEO) of Dream Acres FASD Community provided statistics on FASD in Kansas and explained that the disorder is commonly seen throughout the child welfare system but is often misdiagnosed or not diagnosed at all. She stated child welfare professionals do not receive adequate education and training with respect to FASD.

Five private citizens provided testimony regarding their experiences with the child welfare system:

- A mother recounted her experience with SFM after her teenage daughter was placed into state custody because of violent and unpredictable behavior at home. She stated while in SFM's care, her daughter did not receive her medications or therapy, and consequently, her mental health deteriorated;
- An individual expressed his opinion that cannabis should not be considered a controlled substance in Kansas, and removing cannabis from that list would decrease foster care placements;
- A sister of a child who died while in the care of SFM recounted negative interactions with employees of SFM following her brother's death;

- A mother of a child who died while in the care of SFM expressed disappointment that she had not been contacted by anyone on the Committee since the previous time she testified; and
- A foster parent filed a complaint against her foster child's GAL and provided the decision of the disciplinary board, which ruled that a GAL's compliance with Supreme Court Rule 110A was outside of the court's jurisdiction and dismissed the complaint. She urged the passage of 2023 Senate Sub. for HB 2070.

DCF Update

The Secretary provided statistics on the number of children in foster care as of September 2023 and noted the number had decreased by 21 percent since 2019. She noted children in Kansas stay in foster care longer than the national average.

The Secretary provided statistics on Family First referrals and noted the agency was able to expand the Multisystemic Therapy program, an intensive mental health program, statewide due to Family First funding.

The Secretary explained the memorandum of understanding DCF has with KDHE in cases in which a child comes into state custody without a birth certificate or medical records confirming where a child was born.

The Director of the Kansas City Regional Service Center for DCF provided an overview of how the "four key questions" related to how removing dangers to a child in the home rather than removing the child from the home is being implemented in this region.

Prior to discussing potential recommendations, the Chairperson requested the Secretary provide a quick update on the CCWIS RFP. The Secretary stated the agency had received 17 bids, and agency teams were reviewing the technical aspects of the bids before considering the fiscal impact of the bids. She stated the agency expected to have more details on various bids by the end of the calendar year.

Presentation on KidsTLC

The President and CEO of KidsTLC, Inc. provided an overview of the organization's services, including psychiatric treatment, integrative autism services, outpatient services, and preventative services. She also provided an overview of the organization's parent support training groups.

Case Management and Family Preservation Provider Update

A representative of Cornerstones of Care provided performance outcomes of the organization since the previous Committee meeting. He also explained how the organization is partnering with FosterAdopt Connect to utilize its Extreme Family Finding program for older foster youth.

A representative of DCCCA explained one of the services the organization provides: serious emotional disturbance respite services. She stated the organization began providing this service in 2009 for children who are not in the custody of DCF as a preventative measure. She provided data on how often these services have been used by families in the previous nine months.

A representative of KVC provided key performance outcomes of the organization, including the requirements of the *McIntyre v. Howard* settlement agreement, since the previous Committee meeting.

A representative of SFM suggested that the Committee should introduce and advance legislation that supports families with children who may enter care, such as providing access to affordable mental and physical health services, substance abuse treatment, and early childhood interventions.

A representative of TFI provided statistics on the number of children and families served in various programs offered by the organization as of the previous time the Committee met.

Presentation on Representation of Children in Abuse and Neglect Proceedings

A Principal Research Analyst from the Kansas Legislative Research Department presented

information on the appointment, duties, qualifications, training, and oversight of persons authorized to represent children in abuse and neglect proceedings in Kansas and other states.

A representative of the Center for the Rights of Abused Children provided testimony on various state models for appointing persons to represent children in abuse and neglect proceedings and suggested that Kansas move to a model in which every child in state custody has a client-directed attorney from the moment of State involvement.

Overview of the Kansas SOUL Family Legal Permanency Option

Several stakeholders who have worked to bring the SOUL Family Legal Permanency Option for older foster youth to fruition in the state presented testimony on the benefits of the option:

- The Secretary expressed excitement over the prospect of bringing the SOUL option to Kansas;
- A representative of the Center for Systems Innovation, Annie E. Casey Foundation, provided an overview of the origin of SOUL;
- A representative of ChildFocus Partners, a national organization supporting child welfare policy solutions, described key components of SOUL and how it compares with other legal permanency options in the state;
- A representative of the SOUL Implementation Team shared her personal experience with the permanency option and explained why she supports the option;
- A representative of the SOUL Legal and Policy Work Group explained she supports the SOUL option because it allows foster youth to choose their family;
- The CEO of the Children's Alliance of Kansas stated the Committee should support SOUL because it prioritizes safety,

permanency, and well-being for young adults in the child welfare system;

- The President of Kansas Action for Children stated his organization supports SOUL because it was created by foster youth with lived experience. The organization believes SOUL will increase the number of trusted and supportive adults in foster youths' lives, while allowing them to maintain close and healthy relationships with siblings and birth family members; and
- A representative of Kansas Appleseed stated her organization supports SOUL because it will help the state to meet requirements of the *McIntyre v. Howard* settlement agreement.

Discussion of Confidential Information Related to an Alleged Child in Need of Care

The Committee recessed the open meeting for a closed executive session to discuss confidential information related to an alleged child in need of care. Only Committee members and the Secretary, Deputy Secretary, and Northeast Region Child Protective Services Administrator of DCF were present for the discussion.

CARE Network Provider Program Update

A representative of the Child Abuse Review and Evaluation (CARE) Network provided an update of the operations of the CARE Network, added to the statutes with enactment of 2023 HB 2024. She stated between June 1, 2023, and August 31, 2023, DCF transmitted a total of 803 referrals to the Network. She stated there were 22 providers across the state and she expected the Network to grow to 33 providers within the next month.

KDCA Update

The Child Advocate presented information on complaints received by KDCA in the third quarter of 2023. She stated one of the priorities identified by KDCA is studying the number of youth who remain in care longer than average. She

encouraged the Committee to consider more after-care services for youth who age out of the system or otherwise exit care.

CONCLUSIONS AND RECOMMENDATIONS

Committee members discussed a number of potential recommendations to the 2024 Legislature. The Committee agreed to the following recommendations by voice vote:

- The concept of the SOUL Family Legal Permanency Option be supported, and a bill regarding this topic be introduced;
- A bill amending the fiduciary responsibilities of guardians *ad litem* be explored by legislative staff, taking into consideration the contents of HB 2381 from the 2023 Legislative Session;
- Legislative staff review and report back to the Committee regarding the rights of biological parents once a child-in-need-of-care petition has been filed;
- Two members of the Committee develop a standardized rubric to be utilized by child welfare case management and family services providers in reporting outcomes to the Committee;
- The following information be reported on by DCF at a future Committee meeting: 1) what the state is doing regarding fetal alcohol spectrum disorder screenings currently; 2) how the needs of children in homeless encampments are being addressed; 3) what policies are in place among utility companies to avoid terminating utility services when children are present in the home; and 4) what grant funding is available in the state for nonprofit organizations to support children with disabilities;
- The House Committee on Child Welfare and Foster Care review HB 2299 from the 2023 Legislative Session.