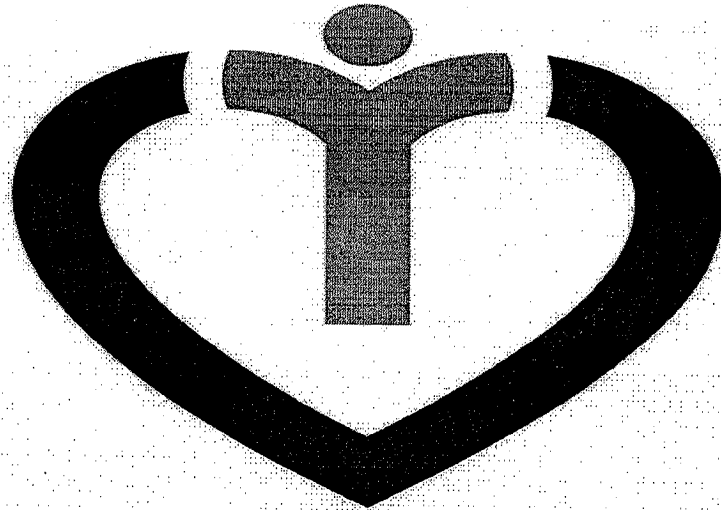


United Methodist Youthville Child Welfare Services

*Testimony in Support of
SB 81, SB 84, SB 94, & HB 2105*



Youthville

Giving Children Back Their Childhood

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Senate Judiciary

3-8-11

Attachment 9

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SB 81

Chairman Owens and Committee Members, thank you for the opportunity today to testify in support of SB 81. SB 81 clarifies existing language around relative preference when choosing an adoptive family for a child.

Current language states, (b) In making an order under subsection (a), the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting such custody for adoption to a relative of the child, and second to granting such custody to a person with whom the child has close emotional ties.

The proposed changes to current law would merely require the court to find that no viable relative exists who would be willing and approved to adopt the child, prior to the child being adopted by someone else, unless the adoption by any relatives would not be in the best interest of the child. The language proposed clarifies that all viable relatives should first be considered for adoption before anyone else could adopt that child, so long as it is in the child's best interest.

Proposed new language, (b) In making an order under subsection (a), the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting such custody for adoption to a relative of the child. If the court determines that no viable relative exists, then the court shall grant custody to a person with whom the child has close emotional ties.

We hear from relatives that they believe that they are placed on the same footing as any other person when a decision is being made on who will adopt their relative. They believe this language would require the court to look carefully and exhaust all viable relative options for adoption prior to allowing the child be adopted by a non-family member. Please support SB 81 and the codification of current practice requiring all relative options, that would be in the best interest of the child, to be exhausted before a child is adopted by a non-family member.

SB 84

Chairman Owens and Committee Members, thank you for the opportunity today to testify in support of SB 84. This bill increases the requirements of what must be documented in case plans relating to the placement of children in foster care with relatives. The bill would require all relatives who were considered as a placement option to be listed. It would also require that if a relative was not selected, the reasons they were not selected would be required to be documented in the case plan. The case plan, including this more detailed information relating to relative placement alternatives, would then be part of the formal case file to document why decisions were made in a case.

We often hear from relatives that they do not know what relative placement options were considered, and if they were considered and denied, they claim they were never given a reason for the denial. This bill would require all of that information to be specifically delineated within the case plan, which would then be available to the interested parties of the case. Please support SB 84 and the codification of current practice requiring thorough documentation relating to decisions regarding relative placements.

SB 94

Chairman Owens and Committee Members, thank you for the opportunity today to testify in support of SB 94. This bill requires that reasonable efforts be made to notify all relatives of the first degree or other people who have close emotional ties to the child, that a temporary custody hearing will be taking place in a child in need of care proceeding. This notification will help ensure people close to the children are aware of what is going on, can be evaluated as possible placement alternatives, and can help with the reunification process of the family.

Additionally, this bill would require the judge to order the parents to provide the names and contact information of any known family members of the child or any persons with whom the child has close emotional ties. Getting this critical information as soon as possible allows case managers to contact those people to become involved in the case early. We also believe this causes the parents to provide this information more readily and helps to prevent the situation of someone close to the child not knowing the child is in temporary custody of the state until the case has progressed to a stage where it is hard for them to become involved.

This bill would also require the judge to order the parents to state if they have any American Indian affiliation. Cases involving persons with American Indian affiliation are handled differently and governed under the Indian Child Welfare Act (ICWA), which is federal law. Knowing that a case needs to be handled under ICWA allows the case to proceed more rapidly than if the American Indian affiliation status is not revealed until the child has been in custody for a longer period of time.

The issues codified by this bill are current practice in Sedgwick County. However, we believe it would be positive to put these practices into statute to ensure that they continue to be part of normal procedures all across the state to help move a child to permanency as quickly as possible. Ideally with their birth family, a relative, or if placement with a relative is not an option, with an appropriate adoptive placement.

HB 2105

Chairman Owens and Committee Members, thank you for the opportunity to testify today in support of HB 2105. This bill was introduced to address the concern of some members of the Children's Issues Committee in the House about how homeless families are treated within the child welfare system.

Current law stipulates that a child may only be removed from the home if:

- The child is likely to sustain harm if not immediately removed from the home;
 - Allowing the child to remain in the home is contrary to the welfare of the child; or
 - Immediate placement of the child is in the best interest of the child; and
 - Reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home; or that an emergency exists which threatens the safety of the child.

Adding that a child may not be removed from the custody of their parents solely for the reason of homelessness to the current statute does not change the intent of the law and merely clarifies that homelessness alone is not justification for removal of a child. We support this clarification in statute, because sometimes a loving and caring family finds its self homeless, but the family is still able to care for the child/children. Rather than removing children solely because they are homeless, we believe it is better public policy to provide the family with services to help them find permanent living arrangements and a job, rather than removing children from the custody of their parents. We encourage you to favorably consider HB2105.