

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

68-West-Statehouse, 300 SW 10th Ave.
Topeka, Kansas 66612-1504
(785) 296-3181 • FAX (785) 296-3824

kslegres@klrd.ks.gov

<http://www.kslegislature.org/klrd>

KANSAS FOSTER CARE OVERVIEW

(This memorandum includes updated and additional fiscal information and replaces the prior version distributed on November 16, 2016, to the Special Committee on Foster Care Adequacy.)

The child welfare system in Kansas is largely overseen by the Kansas Department for Children and Families (DCF) and governed by the federal Department of Health and Human Services division of the Administration for Children and Families and the Revised Kansas Code for the Care of Children (KCCC). The system is a design of checks, balances, and partnerships that help protect the rights of parents while ensuring children are safe from harm and achieve positive outcomes within families.

Reviews by DCF include consideration of safety threats, service needs, resources, and capacity of parents and caregivers to meet needs of their children. DCF also offers a variety of programs to safely support and maintain families and to prevent abuse and neglect.

Initiation of Foster Care Services and Child in Need of Care Proceedings

Foster care services are provided when the court finds a child to be in need of care and the parents are unable to meet the safety needs of the child. The court determines whether the child must be removed or whether additional efforts should be made to maintain the child in the home. The Child in Need of Care (CINC) process is governed by the KCCC, KSA 38-2201 to 38-2283. CINC proceedings are categorized into those concerning children who lack adequate parental care or control, or who have been abused or abandoned, and those concerning children who commit certain offenses listed in KSA 2015 Supp. 38-2202(d)(6)-(10). CINC proceedings typically begin with a report to DCF, which may be made by anyone who suspects a child may be in need of care. Once a report is received, DCF officials are required to investigate the validity of the claim and determine whether action is required to protect the child; law enforcement officers also may be required to investigate if the child is in imminent danger. For further information, see Children and Youth, Foster Care Services and Child in Need of Care Proceedings, 2016 Kansas Legislator Briefing Book at:

<http://www.kslegresearch.org/KLRD-web/Publications/2016Briefs/2016/D-3-FosterCareServicesandChildinNeedofCareProceedings.pdf>

Mandatory Reporters

While anyone who suspects a child may be in need of care can make a report to DCF, the following individuals are required to report any suspicions that a child is in need of care:

- Persons providing medical care or treatment;

- Persons licensed by the State to provide mental health services;
- Teachers and other employees of educational institutions;
- Licensed child care providers;
- Firefighters, emergency medical services personnel, and law enforcement officers;
- Juvenile intake and assessment workers, court services officers, and community corrections officers;
- Case managers (see KSA 23-3507 to KSA 23-3509) and mediators appointed to help resolve any contested issue of child custody, residence, visitation, parenting time, division of property, or other issue; and
- Persons employed by or working for an organization that provides social services to pregnant teenagers.

Investigations and Placement

DCF and law enforcement conduct a joint investigation when a report indicates action may be required to protect the child due to serious physical harm to, serious deterioration of, or sexual abuse of the child. If there are reasonable grounds to believe abuse or neglect exists, DCF must take immediate steps to protect the health and welfare of the abused or neglected child, in addition to that of other children under the same care.

When a child is in imminent danger and cannot otherwise be protected, DCF requests that law enforcement consider protective custody or requests a county or district attorney consider involving the court. KSA 2015 Supp. 38-2231 requires law enforcement to place a child in protective custody when an officer reasonably believes the child will be harmed if not immediately removed from the situation where the child was found, or has probable cause to believe the child is a missing person and a verified missing person entry for the child is found in the National Crime Information Center missing person system. If law enforcement believes protective custody is required, law enforcement may remove the child for a maximum of 72 hours exclusive of weekends and holidays. Children enter or, if taken into protective custody, remain in the foster care system through a petition filed with the court, usually by a county or district attorney representing the State.

A court cannot enter an initial order removing a child from parental custody unless it finds there is probable cause to believe 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. The court may place the child in the protective custody of a parent or other person having custody of the child; another person, who is not required to be licensed under the Kansas law governing child care facilities; a youth residential facility; a shelter facility; or the Secretary for Children and Families, under certain circumstances. A temporary custody hearing must be held within 72 hours of the protective custody placement, excluding weekends, holidays, and other days when the clerk of the court is not accessible.

When a child is removed from the custody of a parent and not placed with the child's other parent, KSA 2015 Supp. 38-2286 requires substantial consideration of a grandparent who requests custody. If the court does not give custody to a grandparent, but places the child in the custody of the Secretary for Children and Families for placement, then a grandparent who requests placement shall receive substantial consideration in the evaluation for placement. If the grandparent is not selected for placement, the Secretary must prepare and maintain a written report with specific reasons for the finding.

Foster Care Services

Foster care services in Kansas were privatized in 1997. Currently the State, through DCF, contracts with two different service providers in four regions for foster care placements, adoptions, and family preservation services. The service providers are Saint Francis Community Services, which provides service to the West and Wichita regions, and KVC Health Systems, Inc. (KVC Kansas), which provides service to the East and Kansas City regions. The service providers subcontract with other providers. A map of the four regions can be found at: <http://www.dcf.ks.gov/services/Pages/MapFosterCare.aspx>. There are several other agencies involved in the area of foster care throughout the state, such as the Kansas Children's Service League and the Children's Alliance of Kansas. These agencies, and others, provide a variety of services, including information and resources, for foster parents and prospective foster parents.

FY 2016 Statewide Foster Care Statistics

An average of 329 children were removed from the home and placed into foster care each month with a total number of 3,952 children placed during FY 2016. An average of 312 children exited foster care placement outside of their home each month, with a total of 3,745 children exiting. In 61.0 percent of cases the primary reason for removal was abuse or neglect. A majority of children in out-of-home settings were placed in family foster homes, and the most common permanency goal was reunification. The total average out-of-home placement length of stay was 18.2 months with emancipation as the leading reason for ending placement. Further information on statistics, as well as current figures and regional data, can be found at: <http://www.dcf.ks.gov/services/PPS/Pages/FosterCareDemographicReports.aspx>.

Payments and Funding

Current contracts with the service providers include a fixed monthly rate for administrative expenditures and a variable rate per child, per month. The rates vary by service region. The monthly fixed costs total \$3.4 million with the average per child, per month variable rate at \$1,621 for FY 2017. Payment rates to the foster care contractors are established annually to reflect adequate reimbursement of reasonable costs expended in the prior fiscal year.

Information on the specific rate received by foster families is not available as this rate varies by individual circumstance, and contractors have the discretion to set the amount paid to foster parents. Currently, there is no set rate received by a foster parent or per child, and average rates are not available.

Foster care is included in the state budget with the Human Services Consensus Caseload Estimate as one of the entitlement services. For FY 2016, the monthly average number of children in foster care was 6,137 with all fund expenditures of \$153.6 million, including State General Fund expenditures of \$86.5 million.

In addition to state funding, additional funding for Kansas foster care services includes the following federal funding sources:

- Social Security Income (SSI) Recoupment;
- Temporary Assistance for Needy Families (TANF) (only for eligible children);
- Title IV-B under the federal Social Security Act for Child Welfare Services;
- Title IV-E under the federal Social Security Act for Foster Care; and
- Social Services Block Grant.

Actual expenditures for foster care for the last three fiscal years are included in the table below.

FOSTER CARE FUNDING BY FUNDING SOURCE			
FY 2014 Actuals - FY 2016 Actuals			
FUNDING SOURCES	FY 2014 Actuals	FY 2015 Actuals	FY 2016 Actuals
State General Fund	\$ 75,709,771	\$ 87,168,002	\$ 86,497,056
Social Welfare Fund	5,329,348	9,820,999	7,736,581
Federal Funding Sources			
SSA/SSI* Recoupment	4,634,672	4,500,000	4,614,792
Title IV-B, Visitation Grant	108,068	127,037	127,037
Title IV-B, Safe and Stable Families	804,116	837,162	837,162
Social Services Block Grant (SSBG)	14,966,486	15,563,187	15,145,404
Title IV-E, Foster Care	15,475,384	6,009,131	16,579,199
Title IV-E, Adoption	61,014	54,635	73,688
Title IV-E, Chaffee Independent Living	300,000	500,000	300,000
Adoption Incentive Payments	-	-	198,019
Temporary Assistance for Needy Families (TANF)	18,523,401	17,525,937	21,510,107
<i>Subtotal Federal Funding Sources</i>	<i>54,873,141</i>	<i>45,117,089</i>	<i>59,385,408</i>
GRAND TOTAL	\$ 135,912,260	\$ 142,106,090	\$ 153,619,045

*Federal Social Security Administration (SSA/Supplemental Security Income (SSI))