



Special Committee on Foster Care Adequacy

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Duties, Qualifications and Selection of Foster Families

Presented by:

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Testimony of:

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Testimony on:

Licensing Perspective

Chairman Knox, Vice Chair O'Brien, and Members of the Committee:

Thank you for the opportunity to present today, regarding the qualifications, selection, and duties of foster families in Kansas. As Deputy General Counsel of the Kansas Department for Children and Families (DCF), I supervise the Foster Care and Residential Facility Licensing Division. My testimony will, therefore, provide observations on these issues from the perspective of the Licensing Division, which has a significant role to play in these issues. With regard to foster care, the core mission of the Licensing Division is to ensure that foster parents and foster homes are safe for children in foster care.

Qualifications of Foster Families

Fundamental and basic requirements to be a foster parent include: the foster parent must be at least 21 years old,¹ must be able to provide safe transportation to children in foster care,² and must have sufficient income or resources to provide for the basic needs and financial obligations of the foster family and to maintain compliance with all regulations governing Family Foster Homes.³ As mentioned in earlier testimony, DCF is instituting measures to ensure that we are taking reasonable steps to verify the income and expenses reported by foster families at the time of application and at the time of yearly renewal.

A critical function of the Licensing Division is to ensure that the physical environment of the home does not present a threat to the health, safety or welfare of any child in foster care. Ensuring compliance with this requirement is a core function of the division and is the source of many applicable statutes and regulations. For instance, when a surveyor from the Licensing Division visits a foster home, he/she verifies that there is proper heating, plumbing, lighting and ventilation.⁴ The division requires these systems, as well as water and sewage systems, be compliant with all applicable State and local laws.⁵ The agency verifies the home is clean, in good repair and in compliance with fire

¹ K.A.R. § 28-4-802(b)

² K.A.R. § 28-4-816

³ K.A.R. § 28-4-802(c)

⁴ K.S.A. § 65-508(a)(1)

⁵ K.S.A. § 65-508(a)(2)

codes.⁶ Pets must be immunized and kept in a sanitary manner.⁷ Children must be protected from vicious animals.⁸ Medications, household chemicals and potentially dangerous sharp instruments or tools and firearms in the home must be safely stored.⁹

Adequate sleeping arrangements must be provided for each child in foster care, with requirements detailed in the regulations.¹⁰ A bedroom with a door to ensure privacy and at least 70 square feet is required.¹¹ A child in foster care may share a room with another child; however, if the other child is five or older, he/she must be of the same gender and must generally be within three years of age.¹²

Swimming pools and hot tubs in foster homes are closely regulated. A pool must be enclosed by a five foot fence with a self-locking gate.¹³ Even the pH of the water in the swimming pool must be within an appropriate level.

The maximum number of foster children allowed in any one home is four. Exceptions can be made in certain instances, most commonly to allow for keeping larger groups of siblings together in the same home.¹⁴ The granting of an excessive number of exceptions was an area of concern that we identified in reform efforts early in the time that the Division transferred from the Kansas Department of Health and Environment (KDHE), in July 2015. That is why, the agency initiated contact with other State programs as early as March 2016, when the LPA audit was just beginning, in order to identify solutions. The solution that is needed is to have sufficient information about capacity in the system so that when Child Placing Agencies (CPAs) ask for exceptions to exceed capacity in any one particular home, we in the Licensing Division will be able to quickly access information that will reveal the location of other alternative foster home placements that should be pursued instead.

Selection of Foster Families

Prospective foster parents first contact a CPA to receive sponsorship.¹⁵ It is the CPA, working together with the prospective foster parents, that completes the application and prepares the home for inspection by the Licensing Division surveyor.

A foster parent must complete required training.¹⁶ Under our system, pre-licensure and continuing education training is offered by the CPAs and supportive partner

⁶ K.S.A. § 65-508(b); K.A.R. § 28-4-820

⁷ K.A.R. § 28-4-131

⁸ K.A.R. § 28-4-131

⁹ K.A.R. § 28-4-818; 28-4-820

¹⁰ K.A.R. § 28-4-821

¹¹ K.A.R. § 28-4-821(b)(1)&(4)

¹² K.A.R. § 28-4-821(m)

¹³ K.A.R. § 28-4-824(b)

¹⁴ K.A.R. § 28-4-804(a)(1)

¹⁵ K.A.R. § 28-4-802(f)

organizations such as the Children’s Alliance. The training curriculum is commonly referred to by the acronym PS-MAPP,¹⁷ and consists of 30 hours of training conducted over a 10-week period.

Any person who seeks to become a foster parent must have his/her fingerprints taken and pass a background check. This is also a requirement for any other person who is 10 or older and resides, works or regularly volunteers in the foster home.¹⁸ The Kansas Legislature has identified approximately 100 criminal offenses for which a conviction will disqualify one from working, residing or regularly volunteering in in any child care facility, including a Family Foster Home.¹⁹ A conviction of one of these offenses is referred to as a “prohibited offense”, and a person convicted of a prohibited offense is referred to as a “prohibited person”. No prohibited person is allowed to be a foster parent. One can be a prohibited person for reasons other than committing a prohibited offense. For instance, one is a prohibited person if he/she has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and is listed on the child abuse and neglect registry maintained by the Secretary of DCF.²⁰ Individuals are also prohibited persons if their child has been removed from their home under a finding of a being a Child in Need of Care²¹, or if they have had their parental rights terminated.²²

Finally, a foster parent must undergo a health assessment to demonstrate he/she is physically and mentally able to provide safe and healthy care for children in foster care.²³

When it comes to placement of children with a foster family that is a function that is outside the scope of the Licensing Division. I do want to touch upon an issue, however, earlier mentioned, which is the Geographic Information System. This computer resource system being developed as a part of the native licensing system software holds great promise as a tool to be deployed to assist with making placement decisions. We are actively collaborating with the DCF Prevention and Protection Services (PPS) Division so that the division is aware of the system’s capabilities and, as we develop the system, PPS is involved and participating on the ground floor. This will ensure that, as it matures, it will be accessible and ready for deployment in a strategic fashion. The system already has the capability to display foster homes geographically within communities, school districts, and in certain instances, even elementary school attendance zones. We feel that this interdepartmental collaboration in the development

¹⁶ K.A.R. § 28-4-802(e)

¹⁷ Partnering for Safety and Permanence/Model Approach to Partnership in Parenting Program.

¹⁸ K.A.R. § 28-4-805

¹⁹ K.S.A. § 65-516

²⁰ K.S.A. § 65-516(a)(3)

²¹ K.S.A. § 65-516(a)(4)

²² K.S.A. § 65-516(a)(5)

²³ K.A.R. § 28-4-819(a)(3)

of this tool is critical so that we do not end up with a product that exists in a silo with limited usefulness.

Duties of Foster Families

At all times, foster parents must conduct themselves in a way that advances the best interest of the health, safety and welfare of the children in care. Foster parents are expected to integrate a child into the day-to-day family life in an honest, loving manner and attempt to preserve as much normalcy for the child as possible. Thus, the values and routines of the foster family are shared with the child who can incorporate that stability into his/her own life.²⁴ Foster parents must provide supervision that is appropriate to each child's individual age, maturity, risk factors and developmental level.²⁵ Children's physical and material needs must be met. Children must be provided an adequate supply of play equipment, materials and books.²⁶ Foster parents must provide children with nutritious food, clean clothing and bedding, and birthday and holiday gifts.²⁷ Foster parents must be active participants in the child's case plan and implement the provisions assigned to the foster parents.²⁸

With regard to discipline, foster parents must agree to a written policy indicating methods of guidance appropriate to the age of the child.²⁹ Prohibited punishments include corporal punishment, verbal abuse, derogatory remarks and withholding food.

Kansas foster parents must facilitate a child's education by ensuring school attendance.³⁰ Foster parents are also expected to serve a mentoring role to provide assistance to each child in learning basic life skills that allow him/her the opportunity to improve his/her self-concept and identity in preparation for life after foster care.³¹ This is arguably one of the most important roles foster parents play, and the best foster parents do so with dedication and selfless love.

Conclusion

²⁴ K.A.R. § 28-4-814(a)

²⁵ K.A.R. § 28-4-811(b)

²⁶ K.A.R. § 28-4-813(c)

²⁷ K.A.R. § 28-4-132(c)(1)&(2); K.A.R. § 28-4-814(c); 28-4-817

²⁸ K.A.R. § 28-4-810(d)

²⁹ K.A.R. § 28-4-132

³⁰ K.A.R. § 28-4-813(d)(1)

³¹ K.A.R. § 28-4-813(d)(2)

DCF takes seriously its obligation to protect children. We work hard to ensure that children in foster care come into loving, healthy homes that will support them and the birth parents as they work toward reintegration.

Thank you for the opportunity to submit testimony today, and I'm happy to take your questions.