

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2585

As Amended by House Committee on Children
and Seniors

Brief*

HB 2585, as amended, would establish the Foster Care Oversight Task Force (Task Force) and a sunset date. The bill would establish the responsibilities of the Task Force; outline a non-exclusive list of data to be provided by the Department for Children and Families (DCF) upon request; provide for membership appointments, leadership, quorum, terms, and meeting days; and upon approval by the LCC, provide for member compensation and legislative and professional services requested by the Task Force. The Task Force would be required to submit a written report at the beginning of each regular session of the Legislature.

Task Force Responsibilities

The Task Force would have the following responsibilities:

- Review the level of oversight and supervision by DCF over foster care contractors;
- Evaluate whether a working group consisting of attorneys in the area of family law, judges, foster parents, and parents with reintegrated children would assist in addressing foster care concerns;
- Study the proper selection of foster care parents and the qualifications of foster parents; and
- Review the duties of those individuals responsible for foster children, the Safe Families Act, the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

connection between DCF and foster care contractors, and such other areas of concern regarding foster care.

Data to be Provided by DCF

On request of the Task Force, DCF would be required to provide data and information on foster care programs, which would include but not be limited to the:

- Number of children in foster care;
- Number of children in foster care who are outside the county of original residence;
- Average length of stay in foster care before reintegration with the child's parents or placement in a permanent home;
- Foster home licensing and inspection data, including a list of prohibitive offenses for foster home licensure;
- Annual numbers and types of cases of substantiated and documented maltreatment of foster children;
- Foster home alcohol and tobacco use regulations;
- Quarterly reports from foster care contractors;
- Annual crossover youth report indicating the number of youth exiting home placement and subsequently adjudicated as juvenile offenders;
- Number and types of foster parent arrests or convictions, or both;
- Number of family homes by family structure;
- Number of foster homes in which alcohol or tobacco, or both, are used;
- Highest, lowest, and average number of days between a child's removal from the parental home and adjudication; and

- Information on the number of days of school missed per year by foster care children, by grade, for grades 1 through 12.

Task Force

Membership and Leadership

The Task Force would consist of 17 members appointed as follows:

- Two members of the House Committee on Children and Seniors and two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- One member of the House Committee on Children and Seniors and one member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- Two members of the Senate Committee on Public Health and Welfare and two members of the Senate appointed by the President of the Senate;
- One member of the Senate Committee on Public Health and Welfare and one member of the Senate appointed by the Minority Leader of the Senate;
- Five members appointed by the Governor to serve at the Governor's pleasure, as follows:
 - An attorney who practices family law;
 - A district court judge who maintains a family law docket;
 - A Court Appointed Special Advocate;
 - *A guardian ad litem*; and
 - A member of the Kansas Children's Service League.

The appointed member designated by the Speaker of the House of Representatives as the first chairperson would be required to call the first meeting of the Task Force within 30 days of the effective date of the bill. The vice-chairperson would be elected by a quorum of the Task Force. The chairperson and vice-chairperson would be elected annually thereafter by a quorum of the Task Force members. Nine members would constitute a quorum.

Terms

Legislative members would be appointed for terms coinciding with their elected or appointed legislative terms. Governor appointees would be appointed for a term of three years. Members appointed to fill vacancies and appointed to succeed would be appointed in the same manner as the original appointment of the member succeeded.

Meeting Days, Compensation, and Support Staff

From the effective date of the bill, the Task Force would meet at least six times on the call of the chairperson. The chairperson would be allowed to call additional meetings when urgent circumstances exist necessitating such meetings. If approved by the Legislative Coordinating Council (LCC), Task Force members would receive compensation per KSA 75-3223 for attending meetings authorized by the Task Force. Additionally, legislative and professional services requested by the Task Force would be allowed as authorized by the LCC.

Annual Report

At the beginning of each regular legislative session, the Task Force would be required to submit a written report on the findings and recommendations for the previous year to the President of the Senate, the Speaker of the House of Representatives, the House Committee on Children and Seniors, and the Senate Committee on Public Health and Welfare.

Task Force Sunset

The Task Force would sunset on January 1, 2019.

Background

At the House Committee on Children and Seniors hearing, testimony in favor of the bill was provided by Senator Faust-Goudeau, a representative of the Silver Haired Legislature, a disability advocate, a former state Representative, and a private citizen. The proponents generally stated the need for oversight in the foster care system to ensure the well-being of foster care children and the gathering of information to inform policy makers. The representative of the Silver Haired Legislature stated the Task Force should ensure the proper adherence to the language of the grandparent's rights law. Written proponent testimony was provided by Senator Knox.

Neutral testimony was provided by a DCF representative, who stated DCF supported the concept of accountability and review for improvements to the foster care system, but recommended the Task Force have a sunset date on its existence. The conferee also provided information regarding the different types of audits currently performed to review the foster care system. No opponent testimony was presented at the House Committee hearing.

The House Committee amended the bill to insert an additional data request that could be made of DCF, establish a sunset date for the Task Force, and make technical amendments.

According to the fiscal note prepared by the Division of the Budget on the original bill, DCF states the majority of the data and information on foster care programs the Task Force could request already is captured by DCF. Any additional information could be gathered using existing resources. Legislative Administrative Services estimates enactment of

the bill, as introduced, would result in expenditures of \$48,914 in FY 2017 from the State General Fund for six meetings of the new Task Force. The estimate includes salary, subsistence, mileage, and en-route charges for 12 legislative members; subsistence, mileage, and miscellaneous charges for 5 non-legislative members; and salary and benefit expenditures for the services of a committee secretary.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.