



House Children and Seniors Committee:

March 14, 2017

**HB 2019: Foster Care Oversight
Task Force**

Testimony by:

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Testimony on:

HB 2019, Foster Care Oversight Task Force

Chairman Alford, Vice Chair Gallagher, Ranking Member Ousley and Members of the Committee:

Thank you for this opportunity to provide neutral testimony regarding HB 2019.

The Kansas Department for Children and Families (DCF) understands the need for oversight of the foster system to ensure quality, measured outcomes and appropriate services for children in DCF custody and in out-of-home placements.

Federal Review (Child and Family Services Review)

DCF Prevention and Protection Services (PPS) has been involved in several audits/reviews over the past approximately 18 months, including the federal Child and Family Services Review (CFSR). This involves a thorough review of each state's child welfare system using the case read process, data analysis and input from multiple stakeholders statewide. Data, case reviews and other information are analyzed to ensure compliance with national standards and outcomes related to safety, permanency and well-being. The final report was received in December 2015, and PPS worked closely with our federal partners to develop a Program Improvement Plan (PIP). The final PIP was submitted on Jan. 31, 2017, to the federal Department of Health and Human Services, Administration for Children and Families (ACF). The PIP will go through an approval process by ACF. DCF will have two years to successfully complete the PIP when final approval is granted.

Federal Review: (Child Family and Services Plan)

Additionally, and on an ongoing basis, DCF is required to submit to our federal partners a five-year state plan entitled the Child Family and Services Plan (CFSP), which addresses and describes what is in place related to multiple Title IV-B programs (Social Security Act) and what is planned for the next five years in these areas. Preparation of the CFSP is extensive and involves input from DCF, contractor staff and stakeholders statewide including, but not limited to, the federally-recognized tribes headquartered in Kansas. In connection with the CFSP, DCF is required to submit to ACF an Annual Progress and Services Report (APSR) to report progress and/or any revisions to the five-year plan.

Statewide Audit: Foster Care Eligibility and Adoption Assistance

Furthermore, DCF is also subject to review under the single statewide audit for foster care eligibility and adoption assistance (occurs annually), WARDS accounts audit, the Social Security audit, and Title IV-E audit (occurs every two to three years, with planning and preparation for the next audit scheduled for April 3-7, 2017).

Kansas Legislative Post Audit

Over the past several months, DCF has met with staff from Legislative Post Audit (LPA) regarding its approved audit of the child welfare system, one of the most comprehensive audits approved by the LPA Committee in recent years. As the Committee is aware, Part 3 of this audit is still ongoing and is scheduled to be released later this spring.

Kansas Attorney General Office Oversight

Finally, per K.S.A. 75-723, the Abuse, Neglect and Exploitation (ANE) Unit in the Office of the Attorney General provides oversight of DCF's abuse and neglect findings.

Additional Workgroups and Task Forces on Child Welfare Issues

Currently, DCF participates in the following workgroups and/or task forces that address issues related to the child welfare system (this list is not comprehensive and serves to demonstrate the amount of oversight related to child welfare already in place):

- Supreme Court Task Force on Permanency Planning (SCTFPP)
- Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee
- Human Trafficking Advisory Board
- Juvenile Justice Oversight Committee
- Joint Committee including some members of SCTFPP and Judicial Council JO/CINC
- Judicial Council Adoption Advisory Committee
- KanCare High Needs Workgroup (multi-agency)
- Policy workgroups with multiple stakeholders (e.g. student record transfer for children in foster care)
- Kansas Assessment Permanency Project;
- Residential Tribes quarterly meetings;
- Citizen Review Panel-Intake to Petition;
- Citizen Review Panel-Custody to Transition
- Child Death Review Board.

Federal Funding Requirement

It must be noted, that an additional task force may result in duplication and diminished efficiency in light of all federal and State agency and court oversight of the child welfare system already in place. There are numerous federal laws and regulations in place that impact child welfare. State law and policies in this area should not conflict with federal law, or there could be a negative and detrimental impact on necessary federal funding

for the children and families DCF serves. There are well-established specific outcomes related to safety, permanency and well-being, based upon reputable, national evidence-based research. Such outcomes must meet certain standards in order to retain needed federal funding. These requirements are reflected in recommended best practices and are embodied in ongoing federal legislative and regulatory revisions related to the area of child welfare. Many of these provisions are also embodied in State statutes.

Section 1 of HB 2019 sets out the scope of the task force. It states that DCF “shall, on request, provide data and information of foster care programs, including, but not limited to” items listed in (a)(1)-(12). DCF has some of the specified data and information posted on the DCF website in the form of reports. However, DCF does not have some of the itemized and specified information set out in Section 1.,(a) in the proposed legislation.

Child Welfare System Entities

DCF is only one of many entities involved in the child welfare system statewide. The judicial system (Judges, Court Services Officers, Court-Appointed Special Advocates (CASAs), guardians ad litem, etc.), the Kansas Department of Corrections-Juvenile Services (KDOC-JS), KDOC’s Juvenile Intake and Assessment Services, the Kansas Department for Aging and Disability Services, the Kansas Department of Health and Environment (KanCare), community-based service organizations, DCF’s foster care/reintegration/adoption and family preservation contractors, other Child Placing Agencies, and law enforcement agencies all play a role in providing various systems of checks and balances and make up the larger child welfare system.

Conclusion

DCF supports the concept of accountability and review for improvements to the foster care system. As the State’s IV-E agency, DCF already has a high level of oversight. Each year the DCF Secretary presents an agency overview to this Committee. **A specific status report regarding the foster care system could be submitted as well with the information this Committee would deem beneficial in substitute to the Foster Care Oversight committee this bill would produce.** Additional oversight beyond this, in line with what HB 2019 proposes, may be manageable under the current DCF budget. However, staff time for agency employees who are currently engaged in protecting children would be impacted. This may not be the most efficient form for oversight.

DCF is neutral on HB 2019. Thank you for the opportunity to present testimony before this Committee.