

SESSION OF 2017

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 126**

As Agreed to June 5, 2017

**Brief\***

House Sub. for SB 126 would require the Secretary for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the child welfare system in the State of Kansas.

***Organization of Task Force***

The Task Force would be composed of the following voting members:

- The Chairperson of the Senate Committee on Public Health and Welfare;
- The Chairperson of the House Committee on Children and Seniors;
- The Vice-chairperson of the Senate Committee on Public Health and Welfare;
- The Vice-chairperson of the House Committee on Children and Seniors;
- The Ranking Minority Member of the Senate Committee on Public Health and Welfare;
- The Ranking Minority Member of the House Committee on Children and Seniors;

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- One member appointed by the Chief Justice of the Supreme Court;
- One Kansas Court-appointed Special Advocates representative, appointed by the Chief Justice of the Supreme Court;
- One member representing a foster parent organization, appointed by the Judicial Council;
- One member of the Child Death Review Board, appointed by the Board;
- One county or district attorney with experience in child in need of care (CINC) cases, appointed by the Kansas County and District Attorneys Association;
- One guardian *ad litem* with experience representing children in CINC cases, appointed by the Judicial Council;
- One family law attorney with experience in providing legal services to parents and grandparents in CINC cases, appointed by the Judicial Council;
- One social worker licensed by the Behavioral Sciences Regulatory Board, appointed by the Judicial Council;
- One Citizen Review Board (CRB) member, appointed by the Chief Justice of the Supreme Court; and
- One law enforcement officer, appointed by the Kansas Association of Chiefs of Police.

The Task Force would also include the following non-voting members:

- Secretary for Children and Families, or the Secretary's designee;
- Department for Children and Families (DCF) Prevention and Protection Services Director; and
- One representative from each entity that contracts with DCF to provide foster care, family preservation, reintegration, and permanency placement services, appointed by each such entity.

Members of the Task Force would be appointed on or before July 15, 2017.

The Chairperson and Vice-chairperson of the Task Force would alternate annually between the Chairperson of the House Committee on Children and Seniors and the Chairperson of the Senate Committee on Public Health and Welfare, starting in 2017 with the Chairperson of the House Committee as the first Chairperson of the Task Force.

### ***Filing of Vacancies***

Any vacancy on the Task Force would be filled by appointment in the manner prescribed for the original appointment.

### ***Meetings and Quorum***

The Task Force would be required to meet in an open meeting at least six times per calendar year at any place within the State of Kansas, upon call of the Chairperson.

A majority of the voting members of the Task Force would constitute a quorum. Any action by the Task Force would be by motion adopted by a majority of voting members present when there is a quorum.

### ***Duties of the Task Force***

The Task Force would be required to study the child welfare system in Kansas by convening working groups addressing DCF's general administration of child welfare, protective services, family preservation, reintegration, foster care, and permanency placement. The required topics would include, but not be limited to, the following:

- The level of oversight and supervision by the DCF over each entity that contracts with DCF to provide reintegration, foster care, and adoption services;
- The duties, responsibilities, and contributions of state agencies, nongovernmental entities, and service providers that provide child welfare services in the State of Kansas;
- The level of access to child welfare services, including health and mental health services and community-based services, in the State of Kansas;
- The increasing number of children in the child welfare system and contributing factors;
- The licensing standards for case managers working in the child welfare system; and
- Any other topic the Task Force or working group deems necessary or appropriate.

The Task Force would be required to advise and consult with citizen review boards established by statute in conducting the study required by this section.

### ***Working Groups***

The members of each working group organized by the Task Force would not exceed seven non-Task Force

members and would not have less than two Task Force members. The Task Force Chairperson, Vice-chairperson, and the Ranking Minority members together would appoint the Chairperson and Vice-chairperson of each working group from the members of the Task Force. The Chairperson and Vice-chairperson of each working group jointly would appoint the members of each working group. The non-Task Force members would be individuals with expertise in the specific working group topic for which they would be appointed. All members of the working groups would be appointed by August 15, 2017.

### ***Data and Information Provided***

DCF would be required, upon request by the Task Force, to provide data and information relating to child welfare systems in the State of Kansas that is not otherwise prohibited or restricted from disclosure by state or federal law.

The Task Force and each working group would be required to consider U.S. Department of Health and Human Services child and family services reviews and child and family services plans and reports relating to foster care prepared by the Legislative Division of Post Audit (LPA), the 2015 Special Committee on Foster Care Adequacy, and the 2016 Special Committee on Foster Care Adequacy.

### ***Reports to the Legislature***

The bill would require the Task Force to submit a preliminary progress report to the Legislature detailing the Task Force's study on or before January 8, 2018, and a final report to the Legislature detailing the Task Force's study on or before January 14, 2019. The final report would include, but not be limited to, the following:

- Recommended improvements regarding the safety and well-being of children in the child welfare system in the State of Kansas;
- Recommended changes to current law, rules and regulations, and child welfare system processes; and
- Whether an ongoing task force or similar advisory or oversight entity consisting of legislators, attorneys in the area of family law, judges, foster parents, parents with reintegrated children, and other interested parties would aid in addressing child welfare concerns and any other topics the Task Force deems appropriate.

### ***Support Services and Compensation***

DCF would be required to provide administrative assistance to facilitate organization and meetings of any working groups to prepare and publish meeting agendas; public notices; meeting minutes; and any research, data, or information requested by a working group.

Staff of the Office of Revisor of Statutes, the Kansas Legislative Research Department, and the Division of Legislative Administrative Services (LAS) would provide assistance as requested by the Task Force, including assistance to a legislative Task Force member serving on a working group, subject to approval by the Legislative Coordinating Council (LCC).

Task Force members would be paid as specified in KSA 75-3223(e), except that any Task Force member who is employed by a state agency would be reimbursed by such state agency.

Non-Task Force members of working groups attending working group meetings would be paid by DCF, except that

any non-Task Force member who is employed by a state agency shall be reimbursed by such state agency.

### ***Sunset Date***

The Task Force would sunset on June 30, 2019.

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee agreed to delete the contents of House Sub. for SB 126, as amended by the House Committee on Children and Seniors, which would have created the Foster Care Task Force to study the adequacy of the foster care system, and to insert language creating the Child Welfare System Task Force to study the adequacy of the child welfare system in Kansas. [*Note:* Updated fiscal information was not available when the Conference Committee reached an agreement.]

### **Background**

#### ***House Sub. for SB 126***

The House Committee on Children and Seniors created this substitute bill by removing the contents of SB 126, as amended by the Senate Committee of the Whole, regarding restrictions on persons interacting with child care facilities (enacted in Senate Sub. for HB 2304), and inserting the contents of HB 2019, as amended by the House Committee, regarding the Foster Care Task Force. [*Note:* The contents of SB 126, as amended by the Senate Committee, were

removed and did not address this task force. Background information on SB 126, prior to the creation of the substitute bill, may be found in the supplemental note for SB 126, as amended by the Senate Committee of the Whole.]

The House Committee amended HB 2019 to change the name of the Foster Care Task Force and change the title of the bill to reflect the name change; make changes to the duties of the the Foster Care Task Force; require the Foster Care Task Force to submit a corrective action plan (CAP) at the beginning of the regular 2018 Legislative Session and progress reports at the beginning of each regular session of the Legislature thereafter, and delete other reporting requirements; change the type of data and information DCF would be required to provide, upon request; alter the Foster Care Task Force membership, appointing authority, and terms; and change the sunset date of the Foster Care Task Force and the effective date of the bill.

The substitute bill was re-referred to the House Committee, which met on May 4, 2017, to consider amendments. The House Committee amended the substitute bill to clarify the CAP would be a recommendation and to outline the scope of the CAP, provide for the appointment of *ex officio* nonvoting members and set out their responsibilities and terms, clarify the voting members, change the quorum requirement, and clarify the Court Appointed Special Advocate (CASA) member would be from the Kansas CASA association.

The substitute bill was re-referred a second time to the House Committee, which met May 9, 2017, to consider additional amendments proposed in discussions with DCF. The House Committee further amended the substitute bill to replace the reference to a recommended CAP with a reference to recommended improvements, remove specific reference to some of the data and information DCF would provide upon request of the Foster Care Task Force, replace two legislator members with two stakeholder members, modify the selection of the vice-chairperson and clarify the

annual change in task force leadership, and make technical amendments.

### **HB 2019**

HB 2109 was introduced by the House Committee on Children and Seniors at the request of the 2016 Special Committee on Foster Care Adequacy. In the House Committee hearing, no proponent or opponent testimony was provided.

Neutral testimony was provided by a representative of DCF. The DCF representative stated oversight of the foster care system is provided through federal reviews, statewide audits, the LPA, oversight by the Office of the Attorney General, and numerous additional work groups and task forces on child welfare issues. The DCF representative stated the Task Force may result in duplication and diminished efficiency in light of the federal and state agency and court oversight of the child welfare system already in place.

The House Committee created House Sub. for SB 126 by removing the contents of SB 126, as amended by the Senate Committee of the Whole, and inserting the contents of HB 2019, as amended by the House Committee. [*Note: See the background for House Sub. for SB 126.*]

The fiscal note prepared by the Division of the Budget on HB 2019, as introduced, stated LAS estimates additional annual expenditures of \$51,978 from the State General Fund for salaries, mileage, and subsistence for 6 meetings of the Foster Care Task Force. The estimate includes \$40,537 for the expenses of 12 legislators, \$9,773 for the expenses of 5 non-legislator members, and \$1,668 for the salary of a committee assistant. The LCC would have to approve these expenditures. Any fiscal effect associated with HB 2019 is not reflected in *The FY 2018 Governor's Budget Report*.

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