

Revised Kansas Code for Care of Children Amendments; Family First Prevention Services Act; HB 2103

HB 2103 amends the Revised Kansas Code for Care of Children and enacts statutory provisions to enable the state to meet the requirements of the federal Family First Prevention Services Act (FFPSA). [Note: The FFPSA allows for an enhanced federal match rate toward the use of Social Security Act Title IV-E funds for certain child welfare system evidence-based prevention services and programs beginning October 1, 2019.] The bill defines a qualified residential treatment program (QRTP), establishes notice and hearing requirements when a child is placed in a QRTP, requires certain action to be taken by the court when QRTP placement occurs, and places additional documentation requirements on the court in a permanency hearing involving a child placed in a QRTP.

Further, the bill amends the definition of a secure facility and requires a copy of any prevention plan for a child to be attached to a child in need of care petition.

Definitions

A QRTP means “a program designated by the Secretary for Children and Families [Secretary] as a qualified residential treatment program pursuant to federal law.”

[Note: The bill also appears to amend the definition of a secure facility to exclude a juvenile detention facility. However, this change was made in 2018 legislation and the amendment in this bill reconciles different versions of the statute.]

QRTP Placement Notice and Hearing Requirements

Placement Notice

The Secretary is required to notify the court in writing within seven days of a child’s placement in a QRTP. The bill requires written notice also to be given to the petitioner; the attorney for the parents, if any; each parent at the last known address; the child, if 12 years of age or older; the child’s guardian *ad litem*; any other party or interested party; and the child’s court-appointed special advocate.

Placement Hearing Requirements

Within 30 days after a child is placed in a QRTP, any person to whom written notice of such placement is required may request, in writing, the court conduct a hearing. If a hearing is requested, the court must conduct the hearing within 60 days of placement in a QRTP and provide a notice of hearing to the persons who the law requires receive written notice of placement in a QRTP.

The Secretary must provide the court with a written assessment and documentation of the need for QRTP placement.

Within 60 days of placement in a QRTP, the court is required to:

- Consider the assessment and documentation provided by the Secretary;
- Determine whether the needs of the child could be met through placement in a foster family home or whether QRTP placement provides the most effective and appropriate level of care for the child in the least restrictive environment and whether the QRTP placement is consistent with the short-term and long-term goals specified in the child's permanency plan; and
- Approve or disapprove QRTP placement.

Permanency Hearing Requirements for QRTP Placement

In addition to statutory findings and documentation requirements to be made by a court in a permanency hearing, the bill also requires the court to document the following in a permanency hearing involving a child placed in a QRTP:

- The ongoing assessment of the child's strengths and needs continues to support the determination that the child's needs cannot be met through placement in a foster family home, QRTP placement provides the most effective and appropriate level of care for the child in the least restrictive environment, and the placement is consistent with the short-term and long-term goals specified in the child's permanency plan;
- The specific treatment or service needs that are met for the child through QRTP placement and the expected length of time the child needs the treatment or services; and
- The Secretary's efforts to prepare the child to return home or be placed with a fit and willing relative, a legal guardian, or an adoptive parent or in a foster family home.

Additionally, the bill requires the court to set a subsequent permanency hearing within 60 days of a finding that reasonable efforts have not been made by appropriate public or private agencies to rehabilitate the family and achieve the permanency goal in place at the time of the hearing, or the reasonable and prudent parenting standard has not been met.