

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 85

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 85, as amended, would require a foster care case management contractor (contractor) under contract with the Department for Children and Families (DCF) to notify DCF within an established time frame whenever a child in foster care has gone missing or spent any overnight period in a location not licensed as a placement for foster youth. The bill would establish time frames and actions that would be required to be taken, should the contractor notify DCF of the missing child or overnight stay at a non-licensed location. The bill would also establish fines on the contractor and authorize DCF to adopt rules and regulations.

Contractor Notice to DCF

A contractor would be required to notify DCF within a time period established by DCF, not to exceed 24 hours, of any time the contractor knows or has reason to know that a child in foster care, for whom the contractor has case management responsibility, has gone missing or spent any overnight period in a location not licensed as a placement for foster youth.

A contractor's report to DCF of a missing child in foster care for whom the contractor has responsibility would be required to include:

- Age and sex of the child;

*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>

- Location where the child went missing;
- If a different placement was previously determined to be more appropriate for the child but was unavailable for any reason; and
- Any other information required by DCF.

A contractor's report to DCF regarding any child who spent an overnight period in a location not licensed as a placement for foster youth would be required to include the reasons the child spent such overnight period in such facility.

DCF Report and Notice Requirement

DCF would be required to prepare an annual report to the Legislature summarizing data, outcomes, and trends related to children gone missing or who spent any overnight period in a location not licensed as a placement for foster youth. The report would outline DCF efforts to meet the needs of these children and make any recommendations to the Legislature to improve outcomes for these children.

After receiving a contractor's notice of a missing child in foster care or a child in foster care who spent any overnight period in a location not licensed as a placement for foster youth, DCF would be required to notify:

- The Governor, within 24 hours of receiving such notice; and
- Each member of the Legislature and the official newspaper of the county where the child went missing or, if there is not an official newspaper in the county, a newspaper of general circulation in such county, within 48 hours of receiving such notice.

Contractor Fines

The bill would also require DCF to assess a \$500 fine against a contractor for each day the contractor fails to report as required in the bill. The assessed fines received by DCF would be deposited in the State General Fund (SGF).

Rules and Regulations

The bill would authorize DCF to adopt rules and regulations as necessary to implement and administer the provisions of the bill.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, a representative of the Children's Alliance of Kansas testified as a **proponent**. The proponent stated the bill would codify existing policies and procedures for contractors.

A DCF representative provided neutral testimony. The representative stated DCF already accomplishes some of the notification and monitoring requirements the bill would require. Under the current DCF policy, any time a contractor learns a child in DCF custody is missing from their placement, the contractor is required to report this information to DCF within two hours of the contractor being informed of the child's missing status. Upon notification, the Secretary for Children and Families must notify law enforcement and the National Center for Missing and Exploited Children, as outlined in KSA 2020 Supp. 38-2289.

A representative of the Johnson County Sheriff's Office provided **opponent** testimony. The opponent conferee expressed concern this bill would be interpreted to supersede current DCF policy, which requires law enforcement report a missing child immediately.

The Senate Committee amended the requirement conditions established by the bill. The bill, as introduced, would have required a contractor to notify DCF if a child spent any overnight period in a facility under the control of the contractor. The Committee amended the bill to require a contractor to notify DCF if a child spent any overnight period in a location not licensed as a placement for foster youth.

The Senate Committee also amended the bill to remove a requirement that DCF would have to add to a child's notification report which of the top five recommendations, if any, by the Child Welfare System Task Force have been implemented or addressed by the Legislature to instead require DCF to prepare an annual report to the Legislature summarizing data, outcomes, and trends related to children who have gone missing or who have spent any overnight period in a location not licensed as a placement for foster youth; outlining DCF efforts to meet the needs of these children; and making any recommendations to the Legislature to improve outcomes for these children.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, DCF indicates the bill would have no fiscal effect on agency operations. According to the DCF, much of the monitoring that would be required by the bill is already being done. DCF assumes reporting information to newspapers would have no additional cost. DCF also indicates the fiscal effect of the \$500 fines imposed on contractors is not possible to estimate at this time.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Foster care; Department for Children and Families; case management; missing foster youth; reporting; Legislature