

## HOUSE BILL No. 2555

By Committee on Appropriations

3-6

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AN ACT enacting the Kansas children and family services accountability act; prescribing certain duties and responsibilities for the secretary of social and rehabilitation services and the department of social and rehabilitation services; providing for certain studies and reports.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. This act shall be known and cited as the Kansas children and family services accountability act.

Sec. 2. (a) The purposes and goals of the child welfare system administered by the secretary of social and rehabilitation services are to achieve, for each child who is placed in the custody of the secretary of social and rehabilitation services, permanency in a safe and stable environment with quality programs as quickly as possible.

(b) As used in this act, "child welfare system" means the system of services for children placed in the custody of the secretary of social and rehabilitation services and specifically includes family preservation services, foster care services, adoption services and other necessary services.

Sec. 3. The secretary of social and rehabilitation services shall integrate the provision of family preservation services under the child welfare system with the provision of foster care services so that such services are an integral part of the foster care services component of the system. The secretary shall adopt and work to achieve the goal of intervening in all appropriate cases with intensive, in-home family preservation services to reduce the risks that children will be removed from their homes.

Sec. 4. From the time that a child is placed in the custody of the secretary of social and rehabilitation services, the secretary of social and rehabilitation services is responsible for all aspects of the child's life and to achieve permanency for the child in a safe and stable environment with quality programs as prescribed by this act and by other statutes. The secretary of social and rehabilitation services may provide by contract for services to be provided for children placed in the custody of the secretary, but the responsibility remains with the secretary of social and rehabilitation services to provide family preservation, foster care, adoption and other necessary services for each child placed in the custody of the secretary and to ensure that all provisions of state or federal statutes, rules

1 and regulations, and policies and procedures of the department of social  
2 and rehabilitation services are complied with and adhered to with respect  
3 to the health, safety and welfare of such child.

4 Sec. 5. The responsibilities and duties of the secretary of social and  
5 rehabilitation services and the department of social and rehabilitation  
6 services for each child placed in the custody of the secretary of social and  
7 rehabilitation services, or otherwise receiving care and services from the  
8 department of social and rehabilitation services, specifically include, but  
9 are not limited to, the duties and responsibilities prescribed by this act.  
10 With respect to each such child, the secretary of social and rehabilitation  
11 services shall:

12 (a) Ensure that all officers and employees of the department of social  
13 and rehabilitation services provide complete and accurate information  
14 about each child to law enforcement officers, judges, attorneys and others,  
15 upon proper request, in all appropriate forums and circumstances, in-  
16 cluding the decision to remove a child from the child's home, throughout  
17 the period of continuing state responsibility for the child;

18 (b) ensure that all children removed from their homes and placed in  
19 the custody of the secretary of social and rehabilitation services are  
20 housed in the least restrictive, most home-like setting consistent with each  
21 child's needs and shall make every effort to ensure that each child placed  
22 in the custody of the secretary is not relocated from one housing location  
23 to another more frequently than is absolutely necessary and then only if  
24 the relocation is required for the health, safety and welfare of the child;

25 (c) ensure that responsible personnel of the department of social and  
26 rehabilitation services have and maintain current knowledge of and in-  
27 formation about the exact placement of each child in the custody of the  
28 secretary;

29 (d) ensure that all necessary and appropriate parties are invited and  
30 encouraged to be in attendance at all periodic administrative hearings or  
31 conferences about the child and to participate in all decisions regarding  
32 the child and the child's family, including the social worker employed by  
33 the department of social and rehabilitation services assigned to the child,  
34 staff of any contractor providing services for the child, the natural parents  
35 or guardians of the child, the foster parents of the child and the guardian  
36 ad litem of the child;

37 (e) require a collaborative service model for the provision of care and  
38 services to each child in the custody of the secretary so that thereby the  
39 secretary can (1) bring together all the stakeholders in providing services  
40 for the child including school teachers or other personnel, foster and  
41 natural parents, behavioral health providers and physicians when appro-  
42 priate, social workers and others, (2) ensure that appropriate services are  
43 recommended for children and their families, (3) ascertain whether chil-

1 dren and their families are receiving the recommended services, and, (4)  
2 if services are not being provided, ensure that the reasons for services  
3 not being provided are clearly documented and reviewed by appropriate  
4 supervisory personnel of the department of social and rehabilitation  
5 services;

6 (f) require, under the collaborative service model for the provision of  
7 services, that each collaborative team meet regularly to review the service  
8 plan for each child and, in each case involving service providers, to reg-  
9 ularly update a comprehensive service plan to coordinate and assure the  
10 provision of services by the contracting service provider and any subcon-  
11 tracting service providers thereunder;

12 (g) assess the housing needs of foster children on a periodic basis,  
13 determine the availability of housing placement opportunities and facili-  
14 ties and ensure that there are a sufficient number of needed housing  
15 placement providers throughout the state;

16 (h) assess the service needs of children and their families on a peri-  
17 odic basis, assess the availability of needed services and ensure that  
18 needed services are available on a statewide basis;

19 (i) ensure that the child and the child's family are making functional  
20 improvement in such areas as socialization, educational attendance and  
21 achievement and lack of involvement in the juvenile justice system and,  
22 for each child with behavior disorders, ensure that improvements are also  
23 demonstrated in relation to the ability to remain in the community, re-  
24 duction in symptomatology and achievement of developmental mile-  
25 stones, among others that are specifically appropriate for the circum-  
26 stances and characteristics of the child and the child's family;

27 (j) develop a portfolio for each child receiving foster care or adoption  
28 services to provide a readily available documentary record containing a  
29 comprehensive health, social, educational and developmental record of  
30 the child which shall include, but is not limited to, each of the following:

31 (1) Complete health history, including immunization and dental  
32 records;

33 (2) mental health history;

34 (3) early periodic, screening, diagnostic and treatment report;

35 (4) results of psychological and educational testing;

36 (5) development scales results;

37 (6) educational placement and achievement level;

38 (7) availability of health insurance or other health care coverage or  
39 resources;

40 (8) involvement with law enforcement;

41 (9) records of substance abuse;

42 (10) employment information for each of the parents; and

43 (11) income resources available to provide support for the child;

1 (k) maintain a centralized record system for all children in the child  
2 welfare system that includes statewide tracking of the placement of chil-  
3 dren in the custody of the secretary, the services recommended and re-  
4 ceived by the child and the child's family, the record of the child's func-  
5 tional outcomes progress, the encounter data for services provided to  
6 children for reimbursement purposes, and a system that will call imme-  
7 diate attention to supervising personnel of the department of social and  
8 rehabilitation services when a contractor, or any subcontractor, is not  
9 providing services for a child or is not supplying encounter data for a child  
10 receiving services from the contractor or subcontractor;

11 (l) develop and implement, in conjunction with other appropriate  
12 public agencies, a comprehensive system for the detection, investigation  
13 and prosecution of state employees or employees of contractors or sub-  
14 contractors who falsify any records of or regarding any child or the care  
15 or other services provided under the child welfare system for any child  
16 or the child's family;

17 (m) develop and incorporate into all service provider contracts ap-  
18 propriate and reasonable process and programmatic outcomes which are  
19 applicable to contractors with whom the secretary of social and rehabili-  
20 tation services has placed children, which are focused on the child's func-  
21 tioning including, among other areas of functional improvement, im-  
22 provements in the child's socialization, educational attendance and  
23 achievement, lack of involvement in the juvenile justice system and, for  
24 each child with behavior disorders, improvements in the ability to remain  
25 in the community, reduction in symptomatology and achievement of de-  
26 velopmental milestones, and which are not simply outcomes prescribing  
27 records that track the number of placements and length of placements  
28 for each child;

29 (n) assess the achievement of children's, families' and contractors'  
30 outcomes on a periodic basis and report the results of those outcomes  
31 assessments to appropriate legislative committees, the governor, the ju-  
32 diciary, members of the press, families and the residents of Kansas;

33 (o) conduct contract negotiations with current and potential service  
34 providers for the child welfare system to include reasonable and antici-  
35 pated costs, the number and types of children projected to be in the  
36 system, the number and types of placements that such children will need,  
37 the number and types of services such children will need, the expected  
38 and acceptable caseloads of the social workers employed by contractors,  
39 and other reasonably anticipated costs and other factors that must be  
40 considered and provided for to achieve the purposes and goals of the  
41 system;

42 (p) enter into contracts with service providers which include financial  
43 incentives and disincentives that are based on the contractor's perform-

1 ance and the functionally-based performance of the children served by  
2 the contractor, that are outcomes and performance based, and that are  
3 designed to attain and have the primary goal of returning each child to  
4 the child's natural home and parents, if a safe and nurturing environment  
5 is provided in such home, and the secondary goal of meeting federal  
6 requirements for adoption for the child, if this is the best option for the  
7 child;

8 (q) require each contractor providing foster care services to have a  
9 subcontract with the local licensed community mental health centers  
10 within the geographic areas served by the contractor to provide pre-hos-  
11 pitalization screening and admittance to state mental health facilities;

12 (r) prepare and publish in the Kansas register a report of an evalua-  
13 tion of each contractor's adherence to the contractual requirements and  
14 to all applicable state or federal laws, rules and regulations and depart-  
15 mental policies and procedures and the functional performance the con-  
16 tractor achieved under the contract with the department of social and  
17 rehabilitation services;

18 (s) organize and administer the provision of all mental health services,  
19 including substance abuse services, for children under the child welfare  
20 system, so that such services, like physical health services, are provided  
21 by qualified medicaid providers under the same procedures through the  
22 use of the child's medical card, with utilization review in accordance with  
23 the state medicaid plan, and such services are not provided through family  
24 preservation, foster care or adoption service provider contracts;

25 (t) identify and provide appropriate training to officers and employ-  
26 ees of the department of social and rehabilitation services to ensure that  
27 the child welfare system is operated in a manner that is consistent with  
28 applicable state and federal laws, rules and regulations and departmental  
29 policies and procedures;

30 (u) communicate and work with the families, foster parents, service  
31 providers, subcontractors, social workers, judges, school personnel, law  
32 enforcement officers, district attorneys, guardians ad litem, officers and  
33 employees of the juvenile justice authority and other stakeholders in the  
34 child welfare system as needed to identify (1) the strengths and weak-  
35 nesses in the system, (2) barriers to achieving the purposes and goals of  
36 the system, (3) potential solutions for addressing any weaknesses or bar-  
37 riers identified, and (4) other appropriate matters to ensure that the sys-  
38 tem provides the care and services to each child in the custody of the  
39 secretary;

40 (v) take appropriate, positive actions to address and remedy all iden-  
41 tified weaknesses in the child welfare system and to remove all identified  
42 barriers to achieving the purposes and goals of the system, including pro-  
43 posing and supporting legislation to address such weaknesses and barriers

1 and related issues that need legislative action;

2 (w) maintain a timely, itemized and accurate accounting of the total  
3 costs of the child welfare system which includes any financial losses ex-  
4 perienceed or debts incurred by contractors and subcontractors in provid-  
5 ing services under the system; and

6 (x) prepare and submit a report by August 1, 2001, to the committee  
7 on appropriations of the house of representatives, the committee on ways  
8 and means of the senate and the legislative post audit committee which  
9 sets forth in detail the debt incurred by each entity contracting with the  
10 secretary to provide foster care services and the debt incurred by the  
11 subcontractors of such foster care service providers and which presents  
12 recommendations on methods by which the state could appropriately and  
13 effectively participate in reducing such debts.

14 Sec. 6. For the purposes of assuring competition, quality of care,  
15 service integration and community involvement, the secretary of social  
16 and rehabilitation services shall conform to the following guidelines,  
17 requirements and restrictions in contracting for services to be provided  
18 under the child welfare system:

19 (a) Each service provider may contract directly with the secretary of  
20 social and rehabilitation services for the provision of family preservation  
21 services, foster care services and adoption services if the service provider  
22 satisfies and complies with all accountability rules and regulations adopted  
23 by the secretary of social and rehabilitation services;

24 (b) payment rates for each service obtained from a service provider  
25 shall be established by the secretary of social and rehabilitation services  
26 using a cost center methodology which shall be developed to account for  
27 administrative, plant operating, room and board, and health and social  
28 services cost centers;

29 (c) a reporting format shall be established to report to the legislature  
30 regarding how payments to service providers are determined and to re-  
31 port to the legislature accountability-related information regarding the  
32 child welfare system, including but not limited to (1) lengths of stay, which  
33 shall be reported on a permanency accountability form entitled "Number  
34 of CINC Children by Length of Stay" which shall report by SRS area  
35 office the number of months each child had been placed at the current  
36 placement, with summary accounting in appropriate groupings of months,  
37 (2) case plans, which shall be reported on a planning accountability form  
38 entitled "Number of CINC Children in Need of Care with Completed  
39 Case Plans" which shall report by SRS area office the number of case  
40 plans which are complete and which are incomplete, and (3) educational  
41 movement, which shall be reported on a form entitled "Number of CINC  
42 Children Who Have Completed & Passed to next Grade (June 1 Report)"  
43 which shall report by SRS area office the number of children who have

1 completed and have been advanced to the next school grade and the  
2 number of children who have failed to be advanced to the next school  
3 grade;

4 (d) all providers of social services shall demonstrate that the govern-  
5 ing boards administrative and service staff members are actively engaged  
6 in bringing members of the community together for community planning  
7 and coordination of services provided under the child welfare system; and

8 (e) accountability to the residents of Kansas shall be provided in part  
9 by requiring the fiscal records of contracting service providers under the  
10 child welfare system to be available for inspection and review by the  
11 legislative and executive branches of Kansas government.

12 Sec. 7. During the period from the effective date of this act until the  
13 first day of the regular session of the legislature commencing in 2005, the  
14 joint committee on children's issues shall monitor, review and make rec-  
15 ommendations relating to child welfare programs and services of the de-  
16 partment of social and rehabilitation services, specifically including, but  
17 not limited to, family preservation, foster care and adoption programs and  
18 shall prepare an annual report of findings and recommendations which  
19 shall be provided to the legislative coordinating council and to the legis-  
20 lature on or before the first day of the regular session of the legislature  
21 in 2002, 2003, 2004 and 2005 and may prepare such additional reports  
22 during such period as may be deemed appropriate by the joint committee  
23 on children's issues to the committee on appropriations of the house of  
24 representatives and the committee on ways and means of the senate.

25 Sec. 8. This act shall take effect and be in force from and after its  
26 publication in the Kansas register.

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