

# **TESTIMONY OF JUSTICE MELISSA TAYLOR STANDRIDGE**

## **Written Testimony Reviewing Key Takeaways from the 2024 Kansas Child Welfare Summit**

**Before the Joint Committee on Child Welfare System Oversight  
Rep. Susan Concannon, Chair  
June 26, 2023**

Chair Concannon and Members of the Committee,

It is a great honor and privilege for me to be here today. For those who don't know me, I have an enthusiastic personality. Certain issues energize me, and there's not much that gets me more energized than helping families and children who are struggling. In my personal life, I've been a foster and adoptive parent for over 25 years. In this capacity, I have been a full-time parent, a behavior management specialist, a guide, a protector, a team member, an advocate, a teacher, a caregiver, and a mentor to children and their birth families. As a lawyer in private practice, I provided hundreds of pro bono hours representing birth parents, foster parents, and adoptive parents. As a former court of appeals judge and now, as a current supreme court justice, I have applied Kansas child welfare laws in well over a hundred child welfare cases. Based on these experiences, I jumped at the chance 18 months ago to spearhead a three-branch initiative to identify challenges and create positive and lasting change for children and families in the Kansas child welfare system.

Central to this initiative was the 2024 Kansas Child Welfare Summit, which took place about two months ago on April 15-16, 2024. It was exactly as we imagined – a collaborative forum bringing together the legal community, child welfare partners, child welfare experts, and families with lived expertise from all four corners of this great state, the first event of its kind in Kansas. All told, almost 800 Kansans (about 450 in person and almost 350 online) gathered to brainstorm and create innovative solutions for overcoming challenges to provide essential services and support for Kansas children and families. We heard not only from child welfare professionals, but from the very people we aim to help – young people and their families. Local teams from each of the 31 judicial districts worked together to assess their community's unique needs and then develop individualized action plans to create ways in which they could effectively deliver services to meet those needs. Many participants told us that this was the first time child welfare partners and the local courts gathered to discuss these issues. It was an opportunity to not just talk about change, but to create it.

## **I. Collaboration**

The topic for the first session was collaboration, which is defined as the act or process of working together or cooperating with others to achieve a common goal. The presentation started by recognizing a subtle deterrent to collaboration in child welfare cases: the legal system is an adversarial process where the parties have different goals but the child welfare process is a collaborative one where the parties share the same goal of ensuring the safety, well-being, and timely permanency for children and youth. So keeping this shared goal in mind at all times is key to collaboration.

Although collaboration requires working together to achieve a common goal, it does not require everyone to agree. Instead of agreement, collaboration requires (1) mutual respect for other's perspectives and (2) an understanding of other's limitations within their roles.

Another critical component to successful collaboration is frequent and open communication among all child welfare partners, including the children and families served. Ways to facilitate collaboration include sharing clear expectations, timely updates, and respecting disagreements. Some examples of good ways to lay the groundwork for effective collaboration included clearly stated courtroom protocols, courtroom training, unambiguous information in court reports, regular meetings outside the courtroom, pre-hearing communications, and up-to-date information in reports. Bottom line, there should be no surprises in the courtroom.

Some other ideas from the Summit to improve collaborative efforts include:

- standing monthly meetings between (1) legal and judicial stakeholders and (2) DCF and their contracting agencies to talk about systemic issues;
- separate meetings to discuss specific cases;
- team decision making meetings before removal;
- monthly meetings between court service officers and DCF;
- helpful data like timelines and significant changes highlighted at the beginning of court reports; and
- more use of multidisciplinary teams.

## II. Improving the Kansas Permanency Process

### A. The presumption in Kansas law that children belong with their families

This session began with a powerful reminder of the presumption in Kansas law that children belong with their families and that the burden always remains with the state to justify the removal of a child from their home.

- K.S.A. 38-2242 (before issuing an order to remove a child from parental custody, the court must make specific findings based on evidence that either reasonable efforts have been made to avoid the removal of the child from the home, or that an emergency threatens the child's safety.)
- K.S.A. 38-2234 (petition seeking out of home transfer of custody from parents must (1) detail efforts made to maintain family unit or emergency circumstances requiring transfer to ensure child's safety and then (2) explain reasons why remaining in home would be contrary to child's welfare or why removal is in the child's best interest due to the likelihood of harm.)

In line with Kansas law aimed at keeping children safe while minimizing unnecessary removals and promoting family support, the presenters strongly suggested judges and all child welfare partners participating in any aspect of the case consider four crucial questions before removing a child from their home (***Pre-Custody Four Questions***):

1. Can we remove the danger instead of the child? The focus is on addressing risks within the home environment rather than immediately separating the child.
2. Is there someone the child or family knows who can move into the home to remove the danger? This approach emphasizes maintaining connections and support networks.
3. Could the caregiver and child live with a relative or family friend?
4. Is temporary placement with a relative or family friend possible for the child?
  - On the issue of relatives and family friends, the presenters described and encouraged child welfare partners to use relative and kinship finding services provided by DCF funded agencies.

Even if, after considering these four questions, removal to an unfamiliar placement is necessary to keep the child safe, the presenters emphasized (1) continuing to diligently pursue placement options with relatives and non-related kin; and (2) routinely reassessing the need for out of home placement. As for the latter, presenters strongly suggested judges and all child welfare partners participating in any aspect of the case consider four crucial questions at every meeting or hearing touching on the issue of permanency (***Permanency Four Questions***):

1. What is the current safety concern preventing us from sending the child home today?
2. If there is a current safety concern, could aftercare or other in-home services address the concern?
3. If the concern cannot be addressed today, what would need to happen to allow the child to be reunified with their family by next Tuesday?
4. If the child cannot be reunified in the immediate future, is the current case plan goal the appropriate one?

#### **B. Other important ways to improve Kansas permanency process included**

Placement stability significantly impacts a child's well-being and outcomes. Changes in placement disrupt emotional bonds with caregivers, friends and other support systems, causing distress, insecurity, behavioral problems, and health risks. Multiple moves also correlate with lower academic achievement due to disrupted schooling. To improve stability:

- Consider whether placements are suited to a particular child's needs, especially during the initial months of out-of-home care.
- Find creative ways to foster communication between practitioners, children, and families.
- Provide resources and training to help caregivers support children effectively.

## Time is of the essence

- Childhood is a critical period for growth, learning, and emotional development. Every day away from parents impacts their development.
- Children form strong bonds with their caregivers. Separation disrupts these attachments, affecting their sense of security.
- Childhood memories are irreplaceable. Time spent apart means missed moments—hugs, bedtime stories, laughter—that can't be recreated.
- Parents shape a child's values, beliefs, and identity. Time apart limits this influence.
- There is a gaping hole between the temporary custody hearing and the next time a family meets with a caseworker or attorney. Meanwhile, hearings are required by statute every 12 months. Why not meet every two weeks, 30 days, 60 days?
- Are we using landmark dates (e.g., school breaks, National Adoption Day) for reunification or permanency. Why?
- Why aren't parents and parent attorneys being asked when they want the court to next review parent progress?

Case Plans should focus on the reasons why a child entered foster care and should not be a uniform set of standardized tasks used in every case.

- **Relevance:** A targeted approach addresses the core issues affecting the child's safety and well-being.
- **Efficiency:** A targeted approach ensures the interventions used will directly address the reasons why a child entered foster care instead of collateral concerns that do not affect child safety and well-being.
- **Clear Expectations:** Parents deserve to know and understand the specific tasks needed for reunification and what the barriers are to get that done. If child welfare partners working with parents aren't clear about what needs to happen before the child can come home, how can the parent know?
- **Measurability:** Clear goals related to entry into care allow for objective progress tracking. The case plan should not be a moving target.

### III. Safety vs. Risk

DCF must make reasonable efforts (1) to prevent removal and (2) to reunify children with their families. As a result, law enforcement, investigators and child welfare workers must assess relevant evidence and make decisions, sometimes even before a temporary custody hearing is scheduled. That evidence is then presented to judges, who often have large dockets and must rely on reports from DCF or its contractors in decision making. In doing so, judges must self-monitor for biases or social judging. To that end, presenters suggested that judges keep the following considerations front and center:

1. Is there probable cause to believe this child is a Child in Need of Care (CINC)?
2. Evaluation of threat to safety
  - a. Is there a threat to safety?
    - i. Is it immediate or liable to happen soon?
    - ii. Is it specific and observable? Is it out of control?
    - iii. Does it have severe consequences?
  - b. Is the child vulnerable to the threat?
  - c. Do the parents have the capacity to protect the child from the threat and generally keep the child safe?

Again, all relevant parties must consider

- What circumstances, other than separation, could be changed to remove the threat to the child?
- Safety plans that address specific threats, describe circumstances that need to change, and outline specific actions that will control the threat.
- Case plan tasks should address safety issues identified.

If a child is removed from the home, evidence of reasonable efforts to reunify the family is required. Like others, this presenter emphasized that the effect of removing a child from home is not neutral when we balance the harm from the removal experienced by that child. Separation from their families and supports, disrupted development, the prolonged stress of a temporary living situation, and an uncertain future all negatively impact the child, which has far reaching implications well into adulthood.

#### **IV. Disproportionality, Disparities, and Inequities in Kansas Child Welfare**

Removing a child from the home is based on risk to safety. But youth of color enter care at higher rates than their white counterparts. In Kansas, black youth make up 6% of the population, but make up 18% of youth in foster care. These youth are less likely to be placed with relatives and non-related kin and are at risk for higher placement instability. Cultural competency is necessary to adequately serve families of color. For child welfare organizations, our speaker suggested:

1. Make eliminating racial disparities a priority for the organization through words, finances, support, and action.
2. Embrace the ambiguity of attempting new and creative approaches to eliminate racial disparities.
3. Spend time defining the problem of racial inequities within the organization.
4. Plan to make mistakes. Seek authentic support and help.

#### **V. Empowering Families Involved in the Child Welfare System**

At the Summit, we heard directly from a panel of parents whose children were removed from their homes and placed into the legal custody of the state and the physical custody of strangers. From these parents, we learned many families feel shamed, judged, and completely excluded from their own cases from the outset, which generated a profound distrust of the very people who are assigned the task of helping parents regain custody of their children. To move forward, child welfare partners, youth, and families must work together in an authentic way to create an environment where engagement is transformational, not transactional. By creating a transformational environment for engagement built on trust and communication, partners can get beyond a perfunctory association to build a personally connected relationship. Families are the experts of their own lives, and their input is an important component to reaching permanency.

Information presented in the previous session about targeted case plans really resonated with the parents on the panel. The parents strongly believed that partners working with the family should provide resources, direction, and guidance. Questions they posed to the audience included:

- Are the tasks assigned meeting the family's needs?
- Are we setting families up to fail by not critically examining the case plan? For example, does it make sense for an incarcerated parent to have the task of obtaining a driver's license?

The panelists reminded us about the importance of relative and non-related kin in CINC cases. Panelists reported having family fill out paperwork, but there was little to no follow-up. Discussions with case workers often left families with false hope rather than truthful and accurate information.

The panelists also shared that a lack of consistency in the definition of terms, high caseloads among workers, and visitation that does not meet the needs of the family create barriers. For example, the term "safe" is so broad it allows too much latitude to remove children. Panelists also criticized high caseloads, which caused meetings to be rushed and families to feel like workers care more about getting to the next meeting than helping them reunify with their children. And they reported visitations in an office felt stilted and unnatural, making it difficult to parent or practice parenting skills. Panelists suggested visits take place in the community or in homes.

## **VI. Authentic Youth Engagement**

We also heard directly from youth with lived experience in foster care. As with families, youth need to be authentically engaged in a transformational way that allows them to share power as their case proceeds. To do this, child welfare partners must include youth in creating plans for their future, including case plans. Often, youth are simply told what will happen, or sometimes even what *did* happen. We learned that youth are keenly aware when engagement is inauthentic.

This panel laser-focused on what was a major theme throughout the Summit: inclusion. Youth want their voices heard and their contribution considered in every single step of the process. Building trusting relationships takes time, but being heard is an important first step. Panelists cited quick dockets, failure to engage in trauma informed practice, and child welfare professionals not listening to them as barriers to authentic engagement. The panelists provided tips for authentic engagement:

- Be intentional about engaging the youth. Find out what they like and take a genuine interest in it.
- When you do not authentically engage with youth, they will adapt and do what they must do to survive.
- If you say you're going to do something, do it – otherwise, youth will see it as a betrayal.



These panelists with lived experience reminded us that having youth in court is extremely impactful and something for which the young person must be prepared. The anxiety associated with going to court can be exacerbated by waiting a long time for the hearing to begin. The panelists stressed the importance of youth having opportunities to engage with the judge in different ways, such as the youth court report. Submitted through their guardian ad litem, the youth court report is one of the easiest ways to authentically engage with youth. Yet it is not enough to simply file a report. We must actively engage with youth by ensuring that youth:

- are transported to court or to meetings;
- empowered to attend their own hearings and speak if they wish;
- meet with the GAL who can explain the complicated legal process and answer questions;
- have meaningful hearings that are not rushed;
- are allowed to be heard;
- are not judged; and
- experience trauma-informed practices when speaking with attorneys and the court.

Finally, authentic engagement does not end when youth reach the age of majority. Youth on the panel described a host of things they needed to know but didn't as they transitioned into adulthood. Youth need ongoing engagement to learn life skills, how to apply those skills in real life contexts, and how to find and access available services.

## **VII. Mental Health Services**

Immediate and proximate access to mental health resources is a critical component to child safety. Emergency mental health services such as suicide prevention and crisis intervention can be easily accessed by dialing 988 or 211 from any phone. Other services include Mobile Response and Stabilization Services (MRSS) and Certified Community Behavior Health Clinics (CCBHC). MRSS are crisis interventions that emphasize the need to respond with urgency to the immediate needs of children, youth, young adults, and their caregivers. A CCBHC is required to provide crisis management services 24-hours a day regardless of a patient's ability to pay, or the lack of a permanent address. CCBHC services are available around the clock and delivered within 3 hours. This information should be shared with families.

## **VIII. Where We Go From Here**

The Summit brought together all three branches of government, child welfare professionals, legal professionals, advocates, and those with lived experience in child welfare. Judicial district teams comprised of attorneys, judges, child welfare professionals, mental health providers, and law enforcement created action plans to move child welfare work forward in their districts. Teams were encouraged to think outside the box to find creative solutions to problems and barriers specific to their areas. The Supreme Court Task Force on Permanency Planning will review the action plans and their progress over the coming months. From these action plans and Summit evaluations, new training opportunities and initiatives will be developed.

Our hope is that through learning together and developing a plan that makes sense for each judicial district, real change will be made to positively impact the child welfare system. Beyond that, we hope that this will open the lines of communication for our districts to adapt to the changing needs of their communities and the families they serve.