



House Children and Seniors Committee

February 5, 2019

HB 2103

Presented by:

Tanya Keys

Deputy Secretary

Kansas Department for Children and Families

Rebekah Gaston, Director of Policy and Director of Economic and Employment Services

DCF Administration Building, 6th Floor

(785) 296-4475 rebekah.gaston2@ks.gov

www.dcf.ks.gov

Testimony of:

Tanya Keys, Deputy Secretary
Kansas Department for Children and Families

Testimony on:

HB 2103

Chair Concannon, Vice Chair Humphries, Ranking Member Ousley and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 2103 which the Kansas Department for Children and Families supports.

The Families First Prevention Services Act allows states to use Title IV-E (in Social Security Act) funding for time-limited prevention services for children at risk of being placed into foster care, for the children's parents and kinship caregivers, and pregnant and parenting youth. As the Title IV-E agency in Kansas, DCF can receive federal reimbursements for eligible prevention services, specifically mental health services, substance abuse prevention services and in-home parenting skills. Beginning October 1, 2019, such prevention services can be provided for a child and the child's family for a period of up to 12 months. Prior to passage of FFPSA, Title IV-E funding could only be used for children and their families if the children were in the foster care system.

Another major focus of FFPSA is preferred placement of children in the foster care system with relatives or in family foster homes. Kansas has for several years focused on the reduction of numbers of children in congregate/facility care and has a high percentage of children in foster care in family foster home settings. The percentage of kids in foster care in congregate care is between 7 and 8%. FFPSA provides that children who need special services and treatment in a facility setting can be placed in Qualified Residential Treatment Programs (QRTPs) for a duration required for such services and treatment for a child. There are multiple requirements for QRTPs in FFPSA; child welfare agencies must comply with all QRTP requirements to receive federal funding reimbursement.

A joint committee composed of members of the Kansas Supreme Court Task Force on Permanency Planning and the Judicial Council Juvenile Offender/Child in Need of Care Code Advisory Committee studied the provisions of FFPSA to determine whether revisions to the Kansas Code for Care of Children were needed for implementation and compliance; HB 2103 is the result of their efforts.

Pursuant to FFPSA, within 30 days of a child being placed in a QRTP, a "qualified individual" (defined in the law) must assess the child's strengths and needs and use an "age-appropriate, evidence-based, validated, functional assessment tool to determine

whether the child's needs can be met by the child's family or in a family foster home or other approved placement setting (such as facility for pregnant or parenting youth) consistent with the child's permanency plan. FFPSA further provides that within 60 days of a placement in a QRTP, the court must conduct an independent review of the QRTP placement. The court is required: 1) to consider the assessment, determination of placement and the documentation made by the qualified individual who completed the assessment; 2) determine whether the needs of the child can be met in a family foster home, or if not, whether placement in a QRTP is the most effective and appropriate level of care in the least restrictive environment and consistent with short and long-term goals of the child; and 3) approve or disapprove of the placement. The joint committee determined any requirements for the courts must be set out in statute to ensure the courts make the necessary findings to maintain compliance with FFPSA.

HB 2103 proposes revision of K.S.A. 38-2202 by defining QRTP. HB 2103 also requires that a copy of any prevention plan that has been prepared for a child be attached to the child in need of care petition.

One proposed revision in HB 2103 which does not relate directly to FFPSA, but does relate to IV-E funding, is language added to K.S.A. 38-2264. It requires a court which makes a no-reasonable-efforts finding to hold a permanency hearing no later than 60 days following the finding. At the permanency hearing, the court can review the finding; if the court alters its finding and determines that reasonable efforts toward the permanency goal have been made, IV-E funding for the child will be reinstated.

HB 2103 will ensure Kansas complies with federal law related to QRTPs. While there are many other provisions in FFPSA, their implementation can be facilitated through administrative changes policy, programs and processes. FFPSA is important legislation for child welfare that shifts eligibility for IV-E funding from being solely focused on foster care to needed evidenced-based services for prevention to help reduce the number of children entering the foster care system.

I thank you for the opportunity to testify. DCF supports HB 2103. I am happy to answer any questions the committee may have.