

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: House Committee on Children and Seniors  
From: Kyle Hamilton, Assistant Revisor of Statutes  
Date: February 5, 2019  
Subject: Bill Brief on HB 2103

Under the Family First Prevention Services Act, states will have the option, beginning on October 1, 2019, to use Title IV-E funds, at a 50% federal match rate, for certain evidence-based prevention services and programs. Most of the changes that are required by the Act for the state of Kansas to receive the additional federal funding will be made on a policy and regulatory level by the Kansas Department for Children and Families. However, there are a few preliminary statutory changes that need to be made so the state can qualify for the new funds.

When the funds become available, new restrictions on Title IV-E foster care maintenance payments will go into effect. With some exceptions, if a child is placed somewhere by an agency that is not a foster home or one of four types of “child care institutions”, federal foster care maintenance payments will stop after the second week of the placement. One of the approved types of child care institutions under the Act is a Qualified Residential Treatment Program. A QRTP would be a program that has a trauma-informed treatment model that is designed to address the needs, including clinical needs, of children with serious emotional or behavioral disorders or disturbances. This type of program would serve a similar purpose as the state’s existing Psychiatric Residential Treatment Facilities in that they would treat kids who cannot receive adequate care in a foster home setting.

When a child is placed in a QRTP, Family First requires an assessment, within 30 days, of the appropriateness of the placement and whether the needs of the child could be met by family members or a foster home. In Kansas, the individual making that assessment will be a designee

of the Secretary for DCF. Within 60 days, a court is required to review the assessment, determine the needs of the child, and approve or disapprove the placement.

The federal assessment requirements would be implemented through the provisions in Section 1 of HB 2103. When a child is placed in a Qualified Residential Treatment Program, the Secretary would be required to send out notice to the appropriate court and the individuals listed in subsection (a). Within 30 days, the Secretary would have to assess the placement and those individuals listed in subsection (a) could request a hearing from the court that would take place before it reviews the Secretary's assessment. And within 60 days of the placement, the court would approve or disapprove the placement.

Section 2 would make a technical change to a statutory reference.

Section 3, on page 6, line 21, would add a definition for qualified residential treatment programs.

Section 4, on page 8, line 33, would require that a child in need of care petition have an attached copy of the involved child's existing prevention plan, if any. Prevention plans are part of a different component of Family First. In order for a state of offer certain prevention services to children, the state has to maintain a written prevention plan for the child that documents the prevention strategy for the child and the services provided.

Under current law, at least once a year, a court must hold a permanency hearing to evaluate the progress being made to return a child home or achieve a permanent living situation with a nonparent. Section 5, on page 10, starting on line 25, would require the court to evaluate the progress being made towards permanency of a child placed in a Qualified Residential Treatment Program.

Section 6 is a technical provision. Last year, K.S.A. 38-2202 was amended twice, so all of the substantive changes that were made in the second bill have been incorporated into Section 3, so there will no longer be two versions of K.S.A. 38-2202. The incorporated language can be found on page 6, line 39, of the bill.

HB 2103 would become effective upon publication in the statute book, on July 1, 2019.