

DCF LEGISLATIVE TESTIMONY



2/23/2021

TESTIMONY OF

Tanya Keys, Deputy Secretary
Kansas Department for Children and Families

TESTIMONY ON

HB 2271

Chair

Concannon

Vice Chair

Esau

Ranking Member

Ousley

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

House Bill 2271 proposes changes to the Child In Need of Care code to allow for adult individuals who were formerly in foster care to voluntarily reenter foster care services until the age of 21. DCF supports HB 2271 as allowing for reentry will give the state the opportunity to provide additional supports to former foster youth when they most need it.

CONTEXT & HISTORY

Each year approximately 390 youth in foster care turn 18 while in the Secretary's custody and "age out" of the foster care program. Once a youth turns 18, they are legally their own person and are no longer required to remain in the custody of the Secretary of DCF unless they want to. Some youths may choose to remain in foster care to continue to receive foster care services and related supports offered by DCF. These individuals may remain in the foster care program until age 21 if they so choose. However, most youths petition the court to leave the Secretary's custody once they turn 18.

There does not currently exist a legal mechanism for former foster youth to reenter the custody of the Secretary after they have left. And while DCF offers robust Independent Living services to former foster youth to aid them in their transition from foster care to independence, some youths may just not be ready to go without the support and services of the foster care program. This can be problematic if a youth realizes they need this support after they've already exited the custody of the Secretary. Allowing for voluntary reentry would remedy this problem by giving those youths that need it the opportunity to reenter the custody of the Secretary and continue to receive foster care services.

This is a very timely policy to be considering. In response to the social and economic impact of Covid-19, the federal Consolidated Appropriations Act, passed in January of 2021, requires that all states allow for former foster youths to reenter state custody through September of 2021. Passing HB 2271 will give Kansas a mechanism to implement this requirement while also making a permanent change to support former foster youth.

EFFECT OF LEGISLATION

House Bill 2271 would create a legal mechanism for former foster youth to reenter the Secretary custody by allowing an individual to make a written request to the court for reentry. As the bill is proposed, any individual that is under the age of 21 and was in foster care at some point in their life may request reentry. Youths would leave the Secretary's custody upon reaching the age of 21 and could petition the court to end their placement in the Secretary's custody at any time.

Youth that reenter the Secretary's custody would be required to participate in case planning, attend school or work, and make efforts towards independence. DCF would have the authority to petition the court to terminate a youth's placement if that youth fails to comply with these requirements.

DCF consulted with the author of this bill throughout its formulation. The department and the author developed an amendment to address some technical issues identified after the bill was introduced. DCF requests the committee adopt this amendment before potentially passing this bill out of committee. The main change this

amendment will make is replacing the phrase “adult child” with “non-minor dependent” to align the language in the bill with the rest of the CINC code. The amendment also clarifies that the court may terminate the placement of a youth that has been absent from placement for 30 calendar days after reentering custody.

FISCAL IMPACT OF LEGISLATION

The department estimates there are approximately 3,523 adult children ages 18 to less than 21 years of age who meet the qualifications set forth in House Bill 2271 to request re-entry into custody of DCF. DCF assumes that 10% of these adult children would apply to re-enter custody of the Secretary of DCF. The department will require additional staff to handle this increased caseload. DCF estimates 19 FTEs will be needed at a cost of \$1,286,429 SGF in FY 22 and \$1,274,136 SGF in FY 23.

Additionally, DCF anticipates increased child placement costs, case management costs, and an IT adaption expenditure should HB 2271 be enacted. The total cost of these expenditures plus additional staffing would be \$8,132,589 SGF in FY 22 and \$8,070,296 SGF in FY 23.

If the intent of HB 2271 is that Kansas would be considered to have an extended foster program there would be an impact to the Independent Living (IL) program. This change could extend IL ages served and increase caseloads. The fiscal impact of this change is unknown currently.

Federal Title IV-E Foster Care funds would not be available for this program until it was part of the Kansas IV-E state plan. If Kansas amended the state plan to show that Kansas has an “extended foster care” program federal funds of less than 10% may be available if approved.

DCF POSITION

DCF supports House Bill 2271. Creating a mechanism for foster care reentry will allow Kansas to provide support to former foster youth that truly need it while also allowing the state to comply with the requirements set forth in the Consolidated Appropriations Act. DCF asks that you amend the bill to include the previously mentioned technical changes and pass it out favorably.