



KVC Kansas Testimony in Support of House Bill 2448
Submitted by Jessica Elliott, Director of Child Placing Agency Services
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Members of the House Committee on Children and Seniors:

On behalf of KVC Kansas, a leader in providing foster care, child welfare and mental health services to thousands of children and families each year, I'd like to ask for your support for House Bill 2448.

There are nearly 7,000 children in state custody due to abuse, neglect or other serious family challenges. Yet providing safe, loving homes for nearly 7,000 children is a massive undertaking and it requires a compassionate army of adults across our state who voluntarily step forward to become temporary or permanent caregivers, whether they are relatives, non-related kin, foster parents or adoptive parents. These adults become caregivers out of love and concern for children and teens who have experienced unimaginable harm. Many of our caregiver heroes are even willing to care for children with complex trauma histories and severe mental, behavioral and medical needs. We as a state need as many caregivers as possible so we can match each child with the right family in their local area and minimize disruption to school or other aspects of their lives.

Unfortunately, the existing statute regarding Prohibited Persons (KSA 65-516) has negatively impacted children in foster care. As an agency responsible for the case management of 1,700 children in foster care and a sponsor of 900 relative and foster homes, we have seen many instances where this statute has caused additional, traumatic disruption for a child who has already been removed from their home and placed in foster care. This statute also disincentivizes foster parents from being a permanent home for youth who have experienced prohibited offenses in their past.

Devastation and heartache were certainly not the intent of the existing statute. Thankfully, by passing House Bill 2448, you will allow exceptions that are in the best interests of children and families.

In general, there have been two major, negative, unintended consequences of the existing statute.

- First, the existing statute prevents youth with prohibited offenses from reaching a permanent family home with a foster or adoptive family. If a foster parent wants to adopt a teen with a past prohibited conviction, they will have to relinquish their foster care license and ask the other children they are caring for to be moved out of their

home due to the youth's prohibited offense. So, the existing statute provides a disincentive for youth to reach permanency, yet permanency is the top priority of our child welfare system.

- Secondly, the existing statute often prevents children from being placed with relative or non-related kinship families who are the ideal family to care for them. Often that is because the caregiver or a relative living in the home has a prohibited offense from decades ago. When the ideal family is determined to be ineligible to care for the child, it often sends the child down a path of moving from foster home to foster home. Again, this is contrary to the aims of our child welfare system.

Let me share the stories of three children with you to illustrate the problem.

First example: A young boy was placed in Kansas foster care in August 2020 due to inability to locate his mother who left the child with non-related kin using a Power of Attorney that expired. At the time of the hearing in August, the child had already been living with the non-related kinship family for 14 months; however, a KBI background check showed a battery charge from 2007 that prevented the family from being able to obtain a foster care license. The boy had to be moved out of the home. The father was able to get the charge expunged and the child was placed back in the home two months later. Once fingerprint results were received, it was discovered that the father also had a prohibited offense in Missouri, so once again, the child had to be moved from this home until the family can get this charge expunged as well.

Second example: There was a girl in foster care, and we found a previous teacher of hers that was willing to care for her as a non-related kinship home. The girl has been in custody since 2014 and has had a history of placement instability. However, the teacher was caring for her own elderly father in her home because he was on hospice and near the end of his life. Because the teacher's father had a battery charge from approximately 20 years earlier, we were not permitted to place the youth in the home. Since that time, the youth has had to move at least 15 times, including hospitalizations. Obviously, this has been traumatic for the youth and will affect her negatively across her lifetime.

Third example: The Stahl family has been providing foster care since at least 2015. They specialize in fostering teen boys with some of the most challenging needs and behaviors, including five youth currently placed in their home (ages 15-18, all intensive). One child they previously fostered had safely reintegrated with their birth family but soon after, was on the verge of reentering foster care. Instead of having their son enter foster care again, the parents sought out the Stahl family, the previous foster family, and consented to a Permanent Custodianship.

The teen continues to live in the home and during the family's recent move, it was discovered that the teen has charges that are prohibited, which means, he will either have to leave the home (and is a minor) or the family will be forced into closing their foster care license. The teen's charges are not eligible for expungement at this time, but it should be noted that the teen has since gone to drug and alcohol rehabilitation and has been doing very well. The

children that are currently in the home have all lived with the Stahl family (including the teen) for an extended period of time with no issue and he has never left alone with them at any time. This is a family and these are siblings. The teen doesn't have anyone else he could stay with in the area either. At this point, the options are to bring the youth with the charges back into foster care so he can remain with his family and the family can remain licensed; remove the teen from his family and place him in a temporary living situation until he can get his charges expunged (2022); or the foster family closes their license and any youth in the home who have not achieved permanency will be moved to another home. We are certainly stuck between a rock and a hard place and at risk of losing one of the best foster homes in the state leaving several other challenging teen boys without a placement equipped to meet their needs.

Without this statute change, the only option for youth and caregivers with a prohibited offense is to seek expungement which is often costly, time-intensive, and not always possible. If we want to work with urgency "in child time," we must do better.

In addition, please know that other states have already made this change. By making the change, it will show that Kansas is a kin-first state, which is in the best interests of children and families.

Please support House Bill 2448 and consider an exception process for kids who turn 18 that have a prohibited juvenile offense but wish to remain with their foster home. Supporting House Bill 2448 will make an immediate and positive impact in the lives of vulnerable children and the families caring for them.