

## **MINUTES**

### **JOINT COMMITTEE ON CHILDREN'S ISSUES**

December 19, 2008

Room 783—Docking State Office Building

#### **Members Present**

Senator Julia Lynn, Chairperson  
Representative Mike Kiegerl, Vice-Chairperson  
Senator David Haley  
Senator Laura Kelly  
Senator Susan Wagle  
Representative Bill Otto  
Representative Marti Crow  
Representative Brenda Landwehr

#### **Members Absent**

Senator Roger Reitz  
Representative Sue Storm

#### **Staff Present**

Martha Dorsey, Kansas Legislative Research Department  
Kelly Navinsky-Wenzl, Kansas Legislative Research Department  
Reed Holwegner, Kansas Legislative Research Department  
Renaë Jefferies, Office of the Revisor of Statutes  
Nobuko Folmsbee, Office of the Revisor of Statutes  
Theresa Kiernan, Office of the Revisor of Statutes  
Florence Deeter, Committee Secretary

#### **Conferees**

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services  
Christine Ross-Baze, Director, Child Care Licensing and Regulation, Kansas  
Department of Health and Environment  
Robin Clements, CEO, Public Solutions  
Susan Drogmann, Director, Region 5, DCCCA  
Kyle Kessler, Vice-President for Administration and Governmental Affairs, KVC  
Behavioral Healthcare

Brian Hill, Wichita  
Angela Auldridge, Gardner  
Kathy Winters, Olathe  
Louis Goseland, Sunflower Community Action, Wichita  
Don Porter, LaCygne  
Susan Summers, Wichita  
Honorable James Burgess, District Court Judge, 18<sup>th</sup> Judicial District, Sedgwick County  
Honorable Daniel Mitchell, District Court Judge, 3<sup>rd</sup> Judicial District, Shawnee County  
Fred and Sadie Carpenter, Olathe  
Stacie Roulston, Wichita  
Marlene Jones, Wichita  
Barclay Meade, Topeka  
Carlene Eye, Derby  
Clarence Wonsetler, Paola  
Patty Mastel, Overland Park  
Amy Robertson, Salina  
Bambi Baker-Hazen  
Bill McKean, Wichita

### **Others Attending**

See attached list.

### **Morning Session**

The meeting was called to order at 9:15 a.m. The Chairperson welcomed Committee members and guests. Due to the large number of conferees, the Chairperson requested a time limit be respected so that everyone had opportunity to share testimony.

Don Jordan, Secretary, Kansas Department of Social and Rehabilitation Services (SRS), provided an overview of family preservation and foster care services in Kansas ([Attachment 1](#)). The mission of the agency is to protect children and promote adult self-sufficiency. He said children benefit most when they remain in the safety of their families and SRS has a variety of prevention programs that can provide support. Mr. Jordan commented briefly on community services that provide tutoring and mentoring, family services which seek to help families live safely and avoid intrusion, and family preservation which may lead to court involvement for placement of children in need of care.

Mr. Jordan called attention to the performance comparison chart showing that Kansas rates in the 90<sup>th</sup> percentile for placement and, while the government does not insist on that percentage in a given area, when Kansas is compared with other states ranking in the 52<sup>nd</sup> percentile, our state is among the strongest in child care placement.

Christine Ross-Baze, Director, Child Care Licensing and Regulation Program (CCLR), Kansas Department of Health and Environment (KDHE), said the CCLR program seeks to provide safeguards and protection for families when children are cared for in homes other than their own ([Attachment 2](#)). She reported that both the KDHE and the local health department inspect residential facilities initially and annually. Ms. Ross-Baze said KDHE is responsible for maintaining regulatory

oversight for all licensed homes, facilities and agencies whether or not children are in the custody of SRS or the Juvenile Justice Authority.

Ms. Ross-Baze said KDHE currently is involved in a comprehensive review of the regulatory requirements and licensing process for the CCLR program. One system change for consideration involves the inspection process surrounding family foster homes. She said of further concern is the number of times children are moved from one placement home to another and that a stronger assessment process would help in matching the needs of the child with an appropriate foster family. She indicated that the Best Team's goal is to improve the licensing system with new regulations.

Robin Clements, CEO, Public Solutions/Kansas Child Welfare Companies, commented briefly on the structure of the organization ([Attachment 3](#)). She said the company represents DCCCA, KVC, St. Francis Community Services, TFI Family Services, and Youthville. She reported that Kansas is unique in that privatized child welfare has been in place since 1996. Ms. Clements stated that each non-profit organization has a specific mission and is under the direction of a board of committed Kansans.

Susan Drogmann, Director, Region 5, DCCCA, said a family preservation program is utilized in providing intensive in-home services, the purpose of which is to stabilize and ensure the safety of children living in families who are facing challenges ([Attachment 4](#)). She noted that when SRS makes a determination regarding the safety of a child, that family is referred to Family Preservation Services. A family group conference is held to assess and put in place a program of goals. She said intensive in-home services are provided for 90 to 120 days, or until the goals have been met.

Kyle Kessler, Vice-President for Administration and Governmental Affairs, KVC Behavioral Healthcare, reported that the agency is one of five that contracts with SRS to provide child welfare services ([Attachment 5](#)). He said that helping biological parents acquire the skills to become loving and responsible parents is a primary goal toward reintegration of a child into the family structure. Mr. Kessler said KVC has been recognized as a national best practice organization by the Annie E. Casey Foundation.

Brian Hill, Wichita, spoke of his efforts to report on child abuse at the Liberty Juvenile Services and Treatment facility where he was employed ([Attachment 6](#)). He requested an investigation be put in place to protect the integrity of the foster care system.

Angela Auldrige, Gardner, said she has fulfilled her case plan and expressed her desire to have her children returned to her ([Attachment 7](#)).

Kathy Winters, Olathe, spoke as the grandparent of Ms. Auldrige's children and requested that the foster care system be utilized only as a last resort, especially when a family member or grandparent is a natural resource ([Attachment 8](#)).

Louis Goseland, Sunflower Community Action, Wichita, said the agency is a non-profit, grassroots, statewide organization dedicated to community services with more than 630 members across Kansas ([Attachment 9](#)). The members' comments and suggested recommendations for change have been presented to SRS and the District Attorney of Sedgwick County and have not been acted upon. Mr. Goseland appealed to the legislative Committee to look at methods for correcting a broken system. Included in his testimony are three additional documents and a survey questionnaire.

Don Porter, LaCygne, the father of a young woman who resides at the FARM and was allegedly raped, gave verbal testimony and spoke of his concern for an increased level of safety and protection for residents.

Susan Summers, Wichita, reported to the Committee the alleged abuse of her three-year-old daughter (Attachment 10). She holds the position that the courts of Kansas have denied her rights to have custody of the child. Ms. Summers said the decision was made in a court that did not have legal jurisdiction.

### **Afternoon Session**

Honorable James Burgess, District Court Judge, 18<sup>th</sup> Judicial District, Sedgwick County, provided a summary of the lengthy process involved for processing a child in need of care (CINC), (Attachment 11). He said that many cases from SRS are repeat contacts with families who may have had family preservation services, but did not utilize the support and training necessary to achieve improvement in the home. Judge Burgess commented on the difficulty of resolving major issues within a 12-month period that may have been affecting a parent for a lifetime, saying more time often is required when the parent is demonstrating initiative to achieve reintegration for his or her child. Judge Burgess said that crisis management is the biggest problem for the courts and, ideally, preventing adverse situations from ever happening would be in the best interest of children needing permanence (Attachment 12). He directed attention to the compiled data of the Children and Family Service performance comparison charts (Attachment 13). He concluded by stating that Kansas does foster care very well according to the latest data from the U. S. Department of Health; placement among the top ten states is admirable.

Honorable Daniel Mitchell, District Court Judge, 3<sup>rd</sup> Judicial District, Shawnee County, reiterated the position of the courts, stating that the responsibility for safety, health, and welfare lies in proceedings finalized by the judge (Attachment 14). He indicated that cases involving drug usage pose the greatest challenge; many people coming into court will lie just to get what they want. Judge Mitchell said in his court the parents must choose between their child and their drugs—they cannot have both. In response to a question, Judge Mitchell said in order to make the system function well, additional resources are needed.

Fred and Sadie Carpenter, Olathe, brought their concerns for their granddaughter, who currently is in a foster care home (Attachment 15).

Stacie Roulston, Wichita, alleges misconduct on the part of the government of Sedgwick County in relation to removing her son from the school setting without her prior knowledge (Attachment 16).

Marlene Jones, Wichita, mother of Stacie Roulston and grandmother, also testified (Attachment 17).

Barclay Meade, Topeka, spoke to the Committee, regarding custody of his daughter.

Carlene Eye, Derby, provided testimony listing a number of alleged actions regarding the placing of her grandchildren in the SRS system (Attachment 18). Her testimony contains excerpts from a log she kept when she was supervising visitations between the grandchildren and their parents. Ms. Eye said their family spent \$35,000 in legal fees attempting to retain the children in their home; they are now safely at home.

Clarence Wonsetler, Paola, testified regarding his granddaughter, who was taken into custody (Attachment 19). Mr. Wonsetler requests an investigation and audit of SRS and putting a hold on contracts because of the problems in the system.

Patty Mastel, Overland Park, maintains an unlicensed care home and was providing care for an autistic nephew. She gave verbal testimony that she was charged with abuse and neglect and said it cost \$10,000 to have her name cleared of the allegation. Ms. Mastel believes KVC should not be given that amount of power to invade a home and remove a child without explanation and investigation of the facts.

Amy Robertson, Salina, is the parent of a special needs child who has been placed in administrative segregation in the El Dorado Correctional Facility since 2004. She testified her son received brain damage from child abuse by his father. Her verbal testimony included statements regarding her requests for testing of her son. To date, the Halston-Reitand evaluation has not been administered. She said her parental rights were terminated in 1995.

Bambi Baker-Hazen, the mother of Ashton Baker, who is registered as being home schooled, expressed her concerns for intrusion into her home to remove her child because of alleged truancy from school ([Attachment 20](#)).

Bill McKean, Wichita, spoke as a representative for Joseph C. Liddle, claiming the need for justice concerning actions of the Kansas SRS and Sedgwick County Court against him ([Attachment 21](#)).

Written testimony is included in this hearing from the following:

- Mary Duclos, Manhattan ([Attachment 22](#));
- Anita Pearson, Wichita ([Attachment 23](#)); and
- Arnetta Jefferson, Wichita ([Attachment 24](#)).

The Chairperson thanked the participants and assured each one that the Committee would attempt to address their concerns through recommendations in the report which the Committee submits to the Legislature.

The Chairperson called for discussion among the members, whose comments follow:

- The issue of privatization needs to be reconsidered;
- The Committee needs to hear testimony in the future regarding any success achieved by persons within the system;
- The possibility of providing tax credits to persons coming out of the system whose desire is for higher education; and
- The consideration of a time frame during the 2009 Session to continue hearing specific issues.

Mr. Jordan offered closing remarks, stating the responsibility given him by the Governor was to make the child welfare program be a well-run organization. He said his goal has been to work to make policies fair and remain committed to the values of SRS.

Martha Dorsey, Kansas Legislative Research Department, presented a draft of the final report to the Legislative Coordinating Council, covering the topics set out for consideration by the Committee ([Attachment 25](#)). She summarized the information given to the Committee regarding

children with autism and their attendance in public schools, the transition of autistic individuals from high school to adulthood, and child care licensing.

A member thanked Chairperson Lynn for the commitment and time given in facilitating the Joint Committee.

The Chairperson requested the Committee propose recommendations for consideration. The following topics were recommended:

- Coordinate SRS programs with KDHE as it proceeds with the regulatory process and licensing;
- Seek a clear definition of abuse and neglect;
- Designate foster home care as parenting rather than requiring a professional level of expertise;
- Consider insurance coverage for autism;
- Investigate the issue of the ability of families having to pay out-of-pocket for home and community services; and
- Study thoroughly the definition of supervision.

The Chairperson thanked the staff for all their diligence in serving the Committee and adjourned the meeting at 5:00 p.m.

Prepared by Florence Deeter  
Edited by Martha Dorsey

Approved by Committee on:

May 26, 2009  
(Date)