

TESTIMONY OF MIKE FONKERT  
DIRECTOR OF THE JUST CAMPAIGN  
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE

KANSAS HOUSE COMMITTEE ON CHILDREN AND SENIORS  
**IN SUPPORT OF HOUSE BILL 2345**  
FEBRUARY 17, 2020

My name is Mike Fonkert; I am the director of the Just Campaign for the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

**Kansas Appleseed Supports House Bill 2345.**

The Kansas foster care system is in crisis.<sup>1</sup> Too many children are in the foster care system. Children are entering care at racially disproportionate rates, and too likely to re-enter the system after leaving. Education outcomes for children in care are shockingly poor.<sup>2</sup> Fixing the crisis will take a coordinated effort that addresses issues on several fronts, including increased resources and support for Kansas families, improving conditions and training for those working in the system, and implementing structural improvements like those called for here in HB 2345.

The 2018 Child Welfare System Task Force Working Groups studied Kansas's child welfare system and recommended "The State of Kansas shall fund and establish the Office of the Child Advocate (OCA) for Children's Protection and Services within the Kansas Department of Administration to identify challenges across the child welfare system, provide oversight, and propose solutions."<sup>3</sup>

According to the National Conference of State Legislatures [NCSL], Kansas is one of a minority of states that does not currently have either an Office of the Child Advocate/Children's Ombudsman Office or a statewide Ombudsman program addressing concerns that include children's services.<sup>4</sup> The United States Ombudsman Association [USOA] has established best practices for Ombudsman Offices in government. According to these best practices, "Independence is a core defining principle of an effective and credible Ombudsman."<sup>5</sup> The model of the Office of the Child Advocate that is proposed in HB 2345 - an office established by the legislature that reports and acts independently of the Kansas Department for Children and Families and the Department of Corrections - offers the highest level of independence among the state models outlined by the NCSL.

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<sup>1</sup> Strengthen Families Rebuild Hope. "Addressing the Foster Care Crisis in Kansas: Recommendations from the Strengthen Families Rebuild Hope Coalition." Retrieved at: [http://www.rebuildhopekansas.org/uploads/2/1/9/2/21929892/sfrh\\_2018report\\_final.pdf](http://www.rebuildhopekansas.org/uploads/2/1/9/2/21929892/sfrh_2018report_final.pdf)

<sup>2</sup> Only 16% of the kids aging out of foster care this fiscal year have graduated high school.

[http://www.dcf.ks.gov/services/PPS/Documents/FY2021DataReports/FCAD\\_ContractOutcomes/Completed\\_grd12FY2021.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2021DataReports/FCAD_ContractOutcomes/Completed_grd12FY2021.pdf)

<sup>3</sup> Kansas Child Welfare System Task Force. "Report of the Child Welfare System Task Force to the 2019 Kansas Legislature." 2019.

<sup>4</sup> National Conference of State Legislatures. "Children's Ombudsman Offices | Office of the Child Advocate." Retrieved at: <http://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>

<sup>5</sup> United States Ombudsman Association. "Governmental Ombudsman Standards." p. 2. Retrieved at: <http://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>

Recent news reports also make clear the need for strong oversight of the foster care system in Kansas. Allegations of significant mismanagement regarding foster care contractor St. Francis Ministries were only brought to light by independent journalism long after a whistleblower complaint had been filed.<sup>6</sup> Documents from a Saint Francis investigation show they invested \$11 million in the business of the CEO's friend for software that crashed and destroyed the organization's financial records. St. Francis also spent millions on lavish food, travel, and entertainment. A whistleblower complaint was filed in November 2019 with the Department of Children and Families, and nothing was done about the situation for over a year.<sup>7</sup>

We support having an independent entity whose budget and staffing are not dependent on the agencies whose work may be the subject of the child advocate's review. Over the last decade, the average foster care expenditure per child was \$25,819 in Kansas.<sup>8</sup> For FY 2020, it was \$32,317. The fiscal note for HB 2345 estimates the OCA would require \$766,064. Using the 10-year average figure, the OCA would pay for itself if it results in just 30 fewer kids in foster care.<sup>9</sup> The cost of the OCA is just 0.004% of the 2020 state budget - just four pennies per \$1,000.<sup>10</sup>

In order to support the independence of the Office of the Child Advocate, Kansas Appleseed recommends two changes to HB 2345 in its current form. First, we recommend that the Chief Justice of the Kansas Supreme Court is included in the joint appointment process. Analysis by Kansas Appleseed of the independent offices of the child advocate and child ombudsman offices in other states shows those states have better outcomes in reducing the number of kids in care when more branches of government are involved in the appointment process. Second, we recommend clarifying New Section 3 (a) by inserting the phrase "regarding the annual report" to line 36 of page 4. Clarifying that the requirement of non-disclosure before a legislative hearing applies to the annual report, as already indicated in the subsections New Sec. 3 (a) (1) & (2), will allow the OCA to actually function as an independent advocate for the needs of children in foster care.

Kansas kids deserve the best support we can provide them. Vulnerable children entering state care need an independent entity looking out for their interests. The best available information tells us that independent oversight is an important piece of providing the best for our children. Establishing an Office of the Child Advocate is a crucial and necessary component to successful foster care reform in Kansas.

For these reasons, Kansas Appleseed urges favorable passage of HB 2345 with our proposed changes.

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<sup>6</sup> Smith, S. "Kansas foster care leader charged \$469K to credit cards, hid financial losses." Kansas Reflector. 2020.

<https://kansasreflector.com/2020/12/20/kansas-foster-care-leader-charged-469k-to-credit-cards-hid-financial-losses/>

<sup>7</sup> Smith, S. "Financial scandal intensifies interest in independent oversight for Kansas foster care." Kansas Reflector. 2021.

<https://kansasreflector.com/2021/01/10/financial-scandal-intensifies-interest-in-independent-oversight-for-kansas-foster-care/>

<sup>8</sup> Data analyzed by Kansas Appleseed. Sources included: DCF Testimony to the House Social Services Budget Committee, Kansas Division of the Budget 2020 Comparison Report, and Reports on Removals, Exits and Out of Home Placement from DCF

<sup>9</sup> \$766,064 (cost of OCA) / \$25,819 (cost of foster care per kid) = 29.67

<sup>10</sup> \$66,064 / \$18,410,958,177 = 0.004%. Source for total expenditures: Kansas Division of the Budget 2020 Comparison Report

[\(https://budget.kansas.gov/comparison-reports/\)](https://budget.kansas.gov/comparison-reports/)

