

DCF LEGISLATIVE TESTIMONY



2/17/2021

TESTIMONY OF

Tanya Keys, Deputy Secretary
Kansas Department for Children and Families

TESTIMONY ON

HB 2345

Chair

Concannon

Vice Chair

Esau

Ranking Member

Ousley

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

House Bill 2345 would establish the Office of the Child Advocate within the legislative branch. The office would be responsible for ensuring that maltreatment prevention services, protection services, and care services provided to children by the Department for Children and Families, Department for Aging and Disability Services, the Department of Corrections, the Department of Health and Environment, and the Office of Judicial Administration are adequately coordinated and provided.

DCF is neutral on HB 2345. While the department supports the establishment of an Office of the Child Advocate and its oversight responsibilities, DCF has serious concerns about placing the office in the legislative branch. The office would be more appropriately placed in the executive branch under the Department of Administration.

CONTEXT & HISTORY

The primary function of the Office of the Child Advocate will be to support children and families that are recipients of child welfare related services from the state by receiving and responding to concerns from the public about those services. As proposed, the office will be responsible for investigating and advocating for case specific citizen concerns as well as monitoring and making recommendations for systems level improvements.

These are important functions that will strengthen existing oversight in the child welfare system and provide more accountability for Kansans that receive child welfare related services. It is essential that citizens receiving services from the state have an independent advocate they can go to for recourse in the event they feel those services were administered incorrectly or inappropriately. This is especially important for child welfare related services provided to the some of the most vulnerable Kansans.

However, there is little precedent for housing the Office of the Child Advocate within the legislative branch and DCF has concerns about doing so.

According to the National Conference of State Legislatures, 22 states currently administer a Children's Ombudsman Office or Office of the Child Advocate. Of these 22 offices only 5 are housed in the legislative branch, and 4 of those 5 offices have general jurisdiction to oversee all public department, not just the state child welfare system. Nebraska is the only state in the country to house an ombudsman's office specific to child welfare issues in the legislative branch.

Many of these offices in other states are housed within the executive branch, either in the Governor's Office or the state's human services agency. And while the Revisor's Office, Legislative Administrative Services, Legislative Research, and Legislative Post Audit are all housed under the legislative branch in Kansas, none of these entities provide services directly to citizens or serve in a case specific advocacy role on behalf of constituents.

Advocacy and constituent services functions in Kansas are carried out by the executive branch. DCF recommends the Office of the Child Advocate instead be an independent office placed under the Department of Administration, similar to the existing Office of the Long-Term Care Ombudsman.

The Kansas Long-Term Care Ombudsman fulfills a similar function to the proposed Office of the Child Advocate. Housed at the Department of Administration, the Long-Term Care Ombudsman is an independent office that receives, investigates, and responds to concerns at long-term care facilities received from the public. Long-term care facilities are regulated by KDADS. Independent oversight of executive branch services can be accomplished by an office housed within the Department of Administration.

The legislature would still be involved in the selection and oversight of the Office of the Child Advocate even if it were housed under the Department of Administration as the office would still be required to report to the legislature annually and the advocate would be subject to Senate confirmation.

The majority of offices in other states are housed outside of the legislative branch because doing so eases the logistical burdens of the office's operations while still allowing for independent oversight. All of the agencies the proposed Office of the Child Advocate is charged with oversight of are executive branch agencies, save for the Office of Judicial Administration. These agencies, including the Office of Judicial Administration, regularly exchange information with each other to coordinate services.

Given that information sharing agreements and infrastructure is already in place amongst these agencies, it makes sense to house the Office of the Child Advocate in the same branch to allow the office to take advantage of these existing resources and hit the ground running. An office housed in the legislative branch would need to expend time and resources to establish similar relationships and agreements, delaying the ability of the office to carry out its primary responsibility of supporting children and families.

EFFECT OF LEGISLATION

One of the duties of the Office of the Child Advocate would be to receive and respond to public complaints about child welfare services provided by DCF and DCF grantees. DCF staff would assist in these efforts by tracking down requested information, sharing reports and records, and meeting with the office's staff as needed. Additionally, because the office will also be making recommendations for policy improvement in child welfare, DCF staff will be responsible for implementing changes to policy and procedure as per the advocate's recommendations.

FISCAL IMPACT OF LEGISLATION

DCF cannot estimate the cost of House Bill 2345 on the legislative branch. The bill requires that DCF and the Office of the child Advocate enter into an agreement for DCF to offer financial assistance to the new office. DCF assumes this agreement would be used to assist the office in applying for federal funding opportunities and that appropriations for the new office will be made directly to the legislative branch.

DCF estimates that three Program Consultant positions would be required at DCF to coordinate responses, performance improvement efforts, and tracking for the Office of the Child Advocate. These 3 FTEs would cost \$187,178 All Funds annually, including \$143,712 in State General Funds.

DCF POSITION

The proposed Office of the Child Advocate will provide important oversight of child welfare related services and DCF looks forward to engaging in those efforts should such an office be created. However, the department cannot support House Bill 2345 in its current form.

In order for the office to effectively fulfill its responsibilities the Office of the Child Advocate should be housed in the executive branch alongside the other entities responsible for constituent services and advocacy. DCF asks the committee to consider making this change and would be in support of the bill were such a change made. The department stands ready to engage in further discussions on placement of the office if needed.