

State of Kansas
House of Representatives



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Chairman Rep. Susan Concannon
House Children and Seniors Committee
Attn: Fran.Lusk@House.ks.gov

Re: Proponent Testimony HB 2468 / KS Foster Youth Bill of Rights

Chairman Concannon and Committee Members thank you for this opportunity to provide testimony in support of HB 2468, which would revise the Kansas Code for Care of Children and formerly establish a Kansas Foster Youth Bill of Rights within state statute.

These foster youth bills of rights outlined in this bill are identical to and already part of the Kansas Department of Children and Families' (DCF) policy. The rights were developed by the Kansas Youth Advisory Council and implemented into policy by DCF in 2012. However, these bills of rights are unknown to most foster youth, foster parents, and many caseworkers, supervisors, etc. They are sporadically disseminated by some foster agencies in the back of some foster youth's blue book, or they are not handed out or shared at all.

As a veteran foster parent in Kansas, I was surprised to learn just last fall that DCF had a Foster Youth and a Foster Parents Bill of Rights policy. I had never heard of, seen, or read any foster bill of rights policies. Nor had anyone ever mentioned it to me. It's possible, however, that it may have been mentioned in my initial foster care training class eight years ago. But since that time and three foster agencies later, I was not aware of these rights.

It wasn't until a foster youth that wanted to have their voice heard in a court hearing about their future placement reached out to me for help, that I learned about these policies. I reached out to several current and past caseworkers asking what rights the youth had in court, and not one of them were aware that this youth had the right to attend court. I was even told by one case manager and a supervisor that this youth cannot attend the court hearing.

The youth and I both tried contacting the youth's Guardian Ad Litem prior to the case being heard and we were unsuccessful at getting a return call or acknowledgement. So, I did a Google search to find out what rights foster youth had in Kansas and in other states. That is when I came across Kansas DCF's foster youth bill of rights policy. During my online research, I also discovered that as of March 2022 there are 21 states and Puerto Rico that have established a foster children's bill of rights according to the National Conference of State Legislators. Thirty-one other states have also included some type of specific foster bill of rights policies and resolutions.

Fortunately, the youth I was assisting had someone to do the research and ask a lot of questions about their rights and assist them during their court hearing. But not every foster youth has that assistance which could cause their voice about their life to be overlooked, ignored, or denied.

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If this foster youth bill of rights bill would have been included in our state statutes it would have been enforceable. The foster care system would have made sure the foster youth I was assisting would have been notified to attend and participate in their court hearings and been able to speak to the judge regarding any decision that may have an impact on their life. Their voice would have been taken into consideration when a decision is being made by the courts, department staff and providers.

Our foster youth deserve to know and understand their rights in the Kansas foster care system. They should be able to receive a written copy or booklet of their rights and have the rights fully explained when placed in the custody of the state. Important rights such as “the right to live in a safe and comfortable placement, their rights in court, school rights, rights to have their privacy protected, and aging out of care rights” are extremely important and should be readily accessible and available without having to search for them.

There are nearly 7,000 foster youth in Kansas that are impacted daily by DCF policies that are officially and unofficially set into place. Now more than ever in Kansas, particularly with all the challenges our state has had with foster care, it is imperative our foster youth be aware and understand what their rights are to have a voice, be successful, thrive, and make informed decisions about their lives.

These rights need to be in statute and broadly accessible and recognizable. We shouldn't have this bill but if these policies aren't being afforded or respected, then maybe this bill will be that added layer of protection. Sometime important policies can and do change with different administrations and just because it's written down in a policy manual doesn't mean it's always followed. By elevating this foster bill of rights into law, it would prevent being easily changed from administration to administration and it will give judges more leeway to question those involved in the system on whether they're being enforced.

It would be great if these youth bills of rights and some resource information were widely and consistently provided to foster care providers and every school-age child and his/her authorized representative and an age-appropriate orientation and an explanation of the child's rights. Because they are critical to ensuring the well-being of our foster youth and an important foundation, we can build on to best prepare them for success. And agents of the foster care system and courts need to be fully aware of the rights of youth. By enacting this bill, it would create greater trust among our foster youth and community, increase the visibility of these rights, and provide better oversight, transparency, and accountability within the DCF foster care system, foster agencies, and courts. Hopefully, it would also encourage various DCF departments, agencies, and associations to develop practices to help foster youth understand their rights.

To conclude, including the foster youth bill of rights into state law is a win-win for our foster youth, DCF and the state. The cost to implement it will have no fiscal effect to DCF, according to the budget director, and DCF already has these foster youth bill of rights in their policies, rules, and regulations.

Committees: Financial Institutions Ins. & Rural Development / Insurance & Pensions