

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

HOUSE COMMITTEE ON CHILDREN AND SENIORS  
**IN SUPPORT OF HB 2468**  
MARCH 15, 2022

Members of the House Committee on Children and Seniors:

My name is Mike Fonkert; I am a Campaign Director for 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 HB 2468.** Codifying the specific rights that every youth in foster care is entitled to is an important step. It will help create a foundation for a better child welfare system.

While there have been some improvements to the foster care system in recent years, it remains a system in crisis that is failing too many of the youth in care. Black children are significantly overrepresented in foster care. Too many Kansas children are staying in foster care for too long and they often experience dangerously high instability in their placements. So far in state fiscal year 2022, black children in Kansas were 2.1 times more likely than white children to be in foster care.<sup>1</sup> The average length of stay in foster care is up over 23 months - the highest it's been since at least 2010.<sup>2</sup> Kids in foster care are experiencing an average of 6.3 moves for every 1,000 days they are in the system.<sup>3</sup> Less than 18% of children attend the same school as they did prior to their entry into the foster care system.<sup>4</sup> More than 8% of kids leaving the system are re-entering within 12 months.<sup>5</sup>

There is no single solution to address all of these problems, but the solutions must be rooted in a clear statement of youth rights. In order to meet the needs of children in care, the caregivers, caseworkers, teachers, therapists, CASAs, lawyers, judges, etc. all need to know - in clear language - the basic principles of what every child is entitled to. Most of the rights spelled out in this bill are already part of some statute, rule, or policy. But it is important for them to be collected together and enshrined as a statement of law.

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<sup>1</sup> Analysis by Kansas Appleseed population estimates from Census Bureau and demographic data from DCF  
[http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD\\_Summary/RacebyCounty\\_FY22.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD_Summary/RacebyCounty_FY22.pdf)

<sup>2</sup> Kansas Department for Children and Families. "Length of Stay and Reason for Ending Out of Home Placement-SFY22."  
[http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD\\_Summary/LengthofstayFY2022.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD_Summary/LengthofstayFY2022.pdf)

<sup>3</sup> Kansas Department for Children and Families. "Placement Stability: Rate per 1,000 days in Foster Care SFY2022."  
[http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD\\_ContractOutcomes/PlacementStabilityRateFY22.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD_ContractOutcomes/PlacementStabilityRateFY22.pdf)

<sup>4</sup> Kansas Department for Children and Families. "Attending Same School Success Indicator FY 2022."  
[http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD\\_ContractOutcomes/Same%20School\\_Success%20Indicator\\_FY2022.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2022DataReports/FCAD_ContractOutcomes/Same%20School_Success%20Indicator_FY2022.pdf)

<sup>5</sup> Kansas Department for Children and Families. "Re-entry to Foster Care in 12 months FY2022."  
[http://www.dcf.ks.gov/services/PPS/Documents/FY2021DataReports/FCAD\\_ContractOutcomes/ReenteredFC\\_12months\\_FY2022.pdf](http://www.dcf.ks.gov/services/PPS/Documents/FY2021DataReports/FCAD_ContractOutcomes/ReenteredFC_12months_FY2022.pdf)

Twenty states currently have a codified Foster Youth Bill of Rights in statute.<sup>6</sup> The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 included requirements for states to follow, including having youth receive a document describing their rights with respect to education, health care, visitation, court participation, and entitlement to documents and records. The act does not direct states to follow a particular method to achieve compliance, but providing for these rights in statutes rather than just in policy creates a more permanent foundation for fixing the system.

It is important to note that, while this bill can serve as that foundation, it is not enough to establish these rights without any means or mechanism for enforcement. To be more than rhetorically symbolic, this Bill of Rights should be accompanied by notification provisions and youth-friendly enforcement measures that make it clear what happens if these rights are violated.<sup>7</sup>

If Kansas wants to continue improving conditions for youth in foster care, codifying their rights into law is an important step. But more needs to be done to ensure these rights are being enforced and protected. For this reason, Kansas Appleseed supports passage of HB 2468 and looks forward to continued work with stakeholders and legislators to make sure these rights exist in practice for Kansas youth.

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<sup>6</sup> Murtland, T. "California's Foster Youth Bill of Rights as a Roadmap for Expanding Rights..." Loyola of Los Angeles Law Review (2022). <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=3132&context=llr>

<sup>7</sup> Pokempner, J. et. al. "Promoting Normalcy for Children and Youth in Foster Care." Juvenile Law Center (2015). <https://perma.cc/RX7G-5322>