

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2115

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2115, as amended, would establish the Joint Committee on Child Welfare System Oversight (Joint Committee). The bill would outline the topics for Joint Committee review, provide for the appointment and compensation of Joint Committee members, establish the frequency of meetings, require an annual report to designated House and Senate leadership positions and certain standing committees, allow for professional services, and authorize the Joint Committee to make recommendations and introduce legislation.

Topics for Review by Joint Committee

The Joint Committee would be required to review the following:

- Data on child maltreatment and demographic trends impacting the child welfare system;
- Duties, responsibilities, and contributions of the Kansas Department for Children and Families (DCF), Kansas Department for Aging and Disability Services (KDADS), Department of Health and Environment (KDHE), Department of Corrections, law enforcement, and the Judicial Branch that comprise and impact the child welfare system;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the Judicial Branch that impact children and families at risk of becoming involved or involved in the child welfare system, including:
 - Child maltreatment prevention;
 - Investigation of child maltreatment;
 - In-home family services, including services offered through federal prevention and family preservation funding; and
 - Foster care, reintegration, and adoption services;
- Trends, performance outcomes, activities, and improvement plans related to the federal child and family services reviews;
- Reports from child welfare-related groups, including, citizen review panels, the Kansas Supreme Court Permanency Planning Task Force, the Kansas Children's Cabinet, and any interim study committees or work groups authorized by the Kansas Legislature;
- Implementation of the 2019 Child Welfare System Task Force Report recommendations, including top-tier recommendations related to the child welfare workforce, data technology, access to behavioral healthcare for high-risk youth, and implementation of the federal Family First Prevention Services Act;
- Reports on concerns received from the DCF child welfare ombudsman, customer service department, or similar office;
- Opportunities for Kansas to strengthen the child welfare system through evidence-based

interventions and services for children and families;
and

- Any other topic the Joint Committee deems necessary or appropriate.

Joint Committee

Membership

The bill would provide for the appointment of 13 members to the Joint Committee as follows:

- Two members of the House Committee on Children and Seniors by the Speaker of the House of Representatives;
- One member of the House Committee on Children and Seniors by the Minority Leader of the House of Representatives;
- Two members of the Senate Committee on Public Health and Welfare by the President of the Senate;
- One member of the Senate Committee on Public Health and Welfare by the Minority Leader of the Senate;
- Two members of the House of Representatives by the Speaker of the House of Representatives;
- One member of the House of Representatives by the Minority Leader of the House of Representatives;
- Two members of the Senate by the President of the Senate;
- One member of the Senate by the Minority Leader of the Senate; and

- One member of the House of Representatives appointed by the Majority Leader of the House of Representatives.

Terms of Membership

The bill would require members be appointed for terms coinciding with the legislative terms for which such members were elected or appointed. Appointments to fill vacancies or to succeed members appointed to the Joint Committee would occur in the same manner as the original appointment of the member succeeded.

Appointment of Chairperson, Vice-Chairperson, and Ranking Minority Member

The Speaker of the House of Representatives would be required to appoint the first chairperson from among the members of the Joint Committee appointed by the Speaker of the House of Representatives, within 30 days of the effective date of the bill. The chairperson and vice-chairperson would be required to alternate annually between the members appointed by the Speaker of the House of Representatives and the President of the Senate. When appointing a chairperson or vice-chairperson as provided in the bill, the Speaker of the House of Representatives and the President of the Senate would be required to appoint a member from their respective chambers.

The bill would require the ranking minority member of the Joint Committee be from the same chamber as the chairperson. When appointing a ranking minority member as provided in the bill, the Minority Leader of the Senate and the Minority Leader of the House of Representatives would be required to appoint members from their respective chambers.

Member Compensation

Joint Committee members would be paid compensation, amounts for travel expenses, and subsistence expenses or

allowances for attendance at any meeting of the Joint Committee or any subcommittee meeting authorized by the Joint Committee.

Professional Services

The bill would allow the Legislative Coordinating Council (LCC) to provide for professional services as requested by the Joint Committee.

Recommendations and Introduction of Legislation

The bill would authorize the Joint Committee to make recommendations and introduce legislation it deems necessary in performing its functions.

Meetings

The bill would require the first meeting of the Joint Committee to be held on or after January 1, 2021, on the call of the chairperson. After the initial meeting, the Joint Committee would be required to meet at least once during the first and second calendar quarters when the Legislature is in regular session and at least once during the third and fourth calendar quarters, on the call of the chairperson. The Joint Committee would be limited to six meetings in a calendar year.

Seven Joint Committee members would constitute a quorum.

Annual Report

At the beginning of each regular session of the Legislature, the bill would require the Joint Committee submit a written report to the President of the Senate, the Speaker of the House of Representatives, the House Committee on Children and Seniors, and the Senate Committee on Public Health and Welfare. The report would be required to include any recommended changes to current laws, rules and

regulations, and policies regarding the safety and well-being of children in the child welfare system in the state.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of Representative Concannon.

House Committee on Children and Seniors

In the House Committee on Children and Seniors hearing on February 4, 2021, the Secretary for Children and Families and representatives of Children's Alliance of Kansas and Kansas Appleseed Center for Law and Justice testified as **proponents** of the bill, stating the bill would address needs within the State's child welfare system, and the oversight and input of the Joint Committee would assist in crafting solutions that would advance the safety and well-being of children and families impacted by the child welfare system. Written-only **proponent** testimony was submitted by Representatives Hawkins and Humphries and the Kansas Association of School Boards. No other testimony was provided.

The House Committee amended the bill to add two members to the Joint Committee and modify the time frame during which the Committee would be required to meet.

House Committee of the Whole

On February 17, 2021, the House Committee of the Whole adopted a technical amendment to add a word inadvertently omitted from the bill.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, a representative of Kansas Appleseed Center for Law and Justice provided **proponent** testimony. Written-only **proponent** testimony was provided by the Secretary for Children and Families and representatives of the Children's Alliance of Kansas and the Kansas Association of School Boards.

The Senate Committee amended the bill to change the effective date from upon publication in the *Kansas Register* to upon publication in the statute book.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill could have a fiscal effect on expenditures of the Judiciary, however the Office of Judicial Administration indicates the cost of staff is unknown. Legislative Administrative Services indicates that enactment of the bill would increase expenditures by \$30,009 from the State General Fund in FY 2022. The amount includes expenditures for 11 members for salaries, subsistence, mileage, tools, and other expenses of \$25,949. There would also be committee assistant costs of \$4,060. The Kansas Department of Corrections and Kansas Department of Health and Environment indicate that enactment of the bill would have no fiscal effect on the agencies. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Joint Committee on Child Welfare System Oversight; children; minors