

Proponent Testimony on SB 115

Child Welfare Committee

March 15th, 2023

Chair Concannon, Vice Chair Johnson, Ranking Member Ousley, and Members of the committee, thank you for the opportunity today to speak to you about the benefits to children being served in the child welfare system and their adoptive families that would be realized with the passing of SB115.

My name is Matt Stephens. I currently serve as the Vice President of Foster Care Homes for Saint Francis Ministries.

Saint Francis Ministries (SFM) is an independent not-for-profit that has served Kansas children and families since 1945. At Saint Francis, we remain committed to providing high quality services to children and families that meet the current needs of Kansas families. Today, Saint Francis provides a continuum of child welfare services that include reintegration and adoption case management, prevention, out of home, and residential services.

A quick google search will bring up millions of videos showing happy families finalizing long awaited adoptions bringing a new child into their home forever. These videos show joy-filled encounters. This is not always the case for Kansas children in the custody of the Secretary of the Kansas Department for Children and Families being adopted through an agency adoption.

For example, in April 2022 in a court in southwestern Kansas, a biological mother, whose parental rights had been terminated by the court due to the parent's past abuse and neglect of the child, appeared in court at the adoption finalization. By statute, notice of the hearing was provided to the biological mother. What should have been a happy day for that 7 year-old child and her newly formed family was turned into a day filled with anxiety and tears of sadness. The child who had progressed through her trauma to the point of being discharged from therapy needed to resume services to process the additional trauma and fright she felt from seeing her biological mother in court. The adoptive family expressed unease over the biological mother now knowing their name and the child's new name.

Unfortunately, this is not an isolated incident. The current notice requirement under K.S.A. 59-2133 do an injustice to this unique and vulnerable population. SB 115 rectifies this oversight.

In 2018, the State adopted changes to KSA 59-2133 which added requirements that notice of hearing be given to "parents or possible parents, any relinquishing person and any person who has physical custody of the child" which mirrored the statutory language enacted for all types of adoptions. This ignored the very different nature of a public agency adoption and the complicated and generally lengthy process by which a

public agency is granted custody of a child and given the authority to consent to the child's adoption. By the time such authority is given to the Department for Children and Families, the court has made a determination on the fitness of the parent and parental rights have been relinquished and/or terminated and those decisions have been subjected to appellate review as well as DCF internal review. After all these steps, the requirement that a parent who has had their rights terminated be notified of a hearing and be able to attend that hearing allows a biological parent the opportunity to further traumatize a vulnerable child.

The intended purpose of the Kansas code for care of children is to protect vulnerable members of our community. The Kansas adoption and relinquishment act seeks to find stable adoptive homes for these children. I do not believe the Kansas Legislature intended to require the adoption code provide an outlet for biological parents to access children they have lost their parental rights to.

On behalf of myself, Saint Francis Ministries, and the children and families served through agency adoptions, I urge you to adopt SB 115 to correct this unfortunate and unintended outcome.

Thank you for all you do and your willingness to improve the lives and outcomes for children and families in Kansas. I am available to stand for questions at the appropriate time.