



**Neutral Testimony on HB 2772 - Written Only
House Child Welfare and Foster Care Committee
February 19, 2024**

Chair Concannon, Vice Chair Johnson, Ranking Member Ousley, and Members of the Committee, my name is Rachel Marsh, CEO of the Children's Alliance of Kansas. The Alliance is an association of 19 private, non-profit child welfare agencies that collectively provide a full array of services for children and families in child abuse and neglect prevention, human trafficking prevention, family preservation, foster care, adoption, independent living, and parent, youth, and child skill-building, mental health, and substance use treatment. Thank you for the opportunity to testify on HB2772.

HB2772 would operationalize tenets of the federal Indian Child Welfare Act (ICWA) into Kansas law. ICWA passed in 1978 in response to a tragic trend of extremely high rates of removal of Indian children from their homes and tribes into foster care. For Indian children, ICWA mandates intensive efforts to prevent removal and, if removal is necessary, to achieve reunification, prioritizes family placements, promotes community and cultural connections, and encourages collaborative relationships between states and tribes. A legal challenge to ICWA was recently taken to the United States Supreme Court, where the law was upheld. Nationwide, Indian children continue to be overrepresented in foster care, with a removal rate three times higher than that of non-Indian children. In Kansas, Indian children make up approximately 1 percent of children in foster care while representing 0.8 percent of the population.

Kansas courts, DCF, and social workers are regularly trained on ICWA and work conscientiously to follow the tenets of federal law. We know there are variations in practices across the state that, while compliant with the federal law, are not necessarily consistent in approach. And we know that ICWA does bring an extra layer of complexity to learning child welfare practice for newer court personnel and case managers or for those that don't handle a high volume of child in need of care (CINC) cases.

HB2772 codifies and expands on the principles of ICWA, expressly dictating procedures for compliance with the federal standard and adding provisions to increase communications with tribes regarding services to members that aid family integrity. The inclusion of specific language regarding procedures and expectations when working with Indian families may prove helpful to certain court personnel and agency workers. The submission of reports on active efforts at every hearing, the requirements for early inquiry about Indian heritage, and the reporting on pre-removal in-home services to tribes may increase early tribal contact and involvement. The Capacity Building Center for Courts' ICWA Baseline Measures Project found that early tribal involvement and tribe representatives at the initial hearings resulted in a higher rate of reunification and less time to achieve permanency.

We support this committee exploring the question of whether Kansas should adopt a Kansas ICWA statute, and if so, what form that should take. In analyzing the bill and considering its implementation, we wonder whether a Kansas ICWA law should stand alone, as in HB2772, or should be integrated into our Kansas CINC code at the different relevant procedural stages so that ICWA is "always visible" when practitioners pull out their CINC code books. We recommend this committee request the CINC Advisory Committee to the Kansas Judicial Council review and comment on HB2772 over the interim. This would

allow experienced child welfare practitioners from across the state to thoroughly review this extensive proposed change to state law outside of the pressures of the 2024 legislative session timeline.

We appreciate the opportunity to testify on HB2772.

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Members of the Children’s Alliance of Kansas:

CALM, Emporia
Cornerstones of Care, Kansas City
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Florence Crittenton, Topeka
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