



**Informational Testimony on Child Welfare and Juvenile Justice
House Committee on Child Welfare and Foster Care
& House Committee on Corrections and Juvenile Justice
January 18, 2023**

Chair Concannon, Chair Owens, Vice Chair Johnson, Vice Chair Smith, Ranking Member Ousley, Ranking Member Highberger, and Members of the Committees, my name is Rachel Marsh, CEO of the Children's Alliance of Kansas. The Alliance is an association of 19 private, non-profit family well-being agencies that collectively provide a full array of services for children and families in child abuse and neglect 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 share information on system needs to prevent juvenile offenders being placed in foster care and community safety issues in serving juvenile offenders in foster care.

As you know, the child welfare system was heavily impacted by SB 367, passed in 2016. SB 367 promised community-based solutions as an alternative to detention for youth with delinquency behaviors. SB367 was implemented in phases to secure and redirect funds saved from detention toward community-based services for youth. SB367 also contemplated that the Kansas Department of Corrections (KDOC) would maintain some residential beds for the highest risk populations of offenders that could be diverted from detention. However, our members and community partners have consistently observed that youth with delinquency and criminogenic behaviors are now referred to the child welfare system **as an alternative to juvenile offender services and detention**, including placing high-risk youth directly into foster care – and it's not working.

"[C]ourts were using the CINC (Child in Need of Care) system to order placement for youth charged as juvenile offenders who were no longer eligible for detention." *An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas*, National Juvenile Defender Center, 2020 report

You've heard many stories in recent years expressing concern about the foster care system. Children sleeping in offices. Children running away. Children experiencing high placement instability. Children not receiving mental health services. What you are seeing related to these older youth today is – in significant part – the result of juvenile offenders being placed out of home, into foster care.

"Foster care [is not] an appropriate alternative due to a high rate of placement breakdowns that increase the risk of various negative outcomes. Astrom et al.,

Juvenile delinquency youth with severe behaviors that may endanger others have unique needs that the foster care system is neither equipped nor authorized to handle – especially not alone. While child welfare providers, foster homes, residential centers, and PRTFs have all done everything they know how to do to meet the needs of these youth – the fact is, some youth need additional accountability to change their anti-social behaviors to pro-social behaviors. These youth need us – all of us – to make sure they receive what they need to address their criminogenic thinking, regardless of where they are placed or how they were referred.

There are approaches that can work, without rolling back the key successes of SB367.

1. With carefully drafted language, **expand the population of youth that can be served in Kansas Department of Corrections residential or foster care services** to keep moderate and high-risk offenders out of foster care.
2. Require **the Kansas Department of Corrections to maintain the 50 residential placement options authorized by SB367**, and/or expand the number of KDOC beds to provide courts an alternative to placing youth in child welfare foster care. Related: Require Kansas Department of Corrections to provide respite foster care for families in communities in separate foster homes from Department of Children and Families foster homes.

“It is a positive effect to have the children outside of a detention center, but it is unsafe to have no place for this group of youth to have their chronic or acute problems addressed.”

– Timothy Phelps, Juvenile Corrections Advisory Board

3. Require an increased portion of **evidence-based program savings to be earmarked or targeted for youth at risk of placement in foster care**. Evidence-based programs that work for this population include Functional Family Therapy and Multisystemic Therapy – currently offered in Kansas but not widely available in practice.

“[C]ommunity-based programs and services promised by the reform have yet to materialize, leaving the juvenile court system in many jurisdictions without the continuum of services they believe it needs.” - “An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas,” National Juvenile Defender Center, 2020 report

4. **Pass HB2021** that reflects targeted recommendations from a prior study by the Juvenile Offender and Child in Need of Care Committee to the Kansas Judicial Council on the impact of SB367. HB2021 would require collaboration between DCF and KDOC, establish effective information systems, expand access to grants from the evidence-based

practice fund to community providers, allow “quick dips,” and expand detention time limits by 45 days total in the life of a juvenile offender case.

5. Use juvenile justice evidence-based practice funds to implement **Treatment Foster Care Oregon for Delinquent Adolescents**, which requires daily check-ins and 24/7 support for professionally trained foster parents in collaboration with juvenile justice oversight.
6. Whether from juvenile justice evidence-based practice fund dollars or state general funds, fully fund the following services offered through DCF and KDADS:
 - a. attendant care to ensure the promise of DCF therapeutic foster care
 - b. 24/7 actual access to mobile crisis services for DCF therapeutic foster families and for any Kansas families struggling to maintain youth in the home due to behaviors
 - c. workforce staffing needs to ensure full capacity at PRTF (Psychiatric Residential Treatment Facilities)
 - d. behavioral interventionist services for any child on the PRTF waitlist or at risk of out-of-home placement for juvenile delinquency needs
 - e. Family First Prevention Services Act evidence-based programs for youth with delinquency issues in the home
7. Pass HB2033 to support the implementation of Juvenile Crisis Intervention Centers.
8. Require DCF, KDADS, and KDOC to explore the Wraparound Milwaukee Model for the high needs population of delinquency youth involved in child welfare, mental health, and juvenile justice systems.

We greatly appreciate your time and attention to the issue of supporting youth to reduce the need for foster care, ensure these youth receive the services they need, and ensure public safety and the safety of all youth in the foster care system. I am happy to stand for questions at the appropriate time.

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FosterAdopt Connect, Olathe
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Restoration Family Services, Wichita
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