I want to again address HB2070 and how crucial it is to see this bill passed out of the Conference Committee and signed into law.

The Office of Child Advocate is a positive change for the Kansas child welfare system. Kansas has lost over 500 foster homes in just the last few years; I think we can all agree it is time to have accountability, transparency and oversight in all areas of the child welfare system.

I would now like to continue my June 29th testimony that I presented as I think it shows how important HB2070 is in protecting children even beyond having the Office of the Child Advocate.

I ended my testimony before on the statement that was told to us: “A blonde-haired, blue-eyed baby could have a better family, than being raised with his disabled brother, Ricky.”

Ricky had already lost his two full biological sisters while in foster care after spending his entire life with them.

A baby brother, William, was born a year after bringing Ricky home. We were ready and willing to be a kinship foster family for William, who is a full biological brother to Ricky. It took advocating for eight months and going in many circles throughout the system before we were able to bring William home.

We went to a Best Interest Staffing a few months later, as parental rights were terminated, and we were the chosen adoptive family for William. The GAL filed a motion because she felt a blonde-haired, blue-eyed baby could have a better family than being raised with his disabled brother, Ricky. According to the Judge in the final order, we were a fine, well-intentioned family and William was safe but those were NOT the standards of best interest. I am not sure what the best interest standards are, when William was bonded to his brother and to us and our family. We met every qualification and we were even a licensed foster home. Due to the GAL’s motion the Judge ordered a second best interest staffing and required there be three families to put the sibling connection in its proper place.

Our family was again chosen in the second best interest staffing. By this point William had lived in our family for almost nine months which was over half his life. Throughout the entire case the GAL refused to meet William, Ricky or our family. The GAL filed a second motion to direct place William into another family for adoption, as she had threatened in the BIS she would do and that it couldn't be appealed. The motion was set for hearing and heard just one week after the GAL filed. Our motion for Interested Party was set to be heard multiple times prior to this but kept getting canceled and delayed. We weren't allowed any representation in the secretive hearing and our attorney, sat in the hallway, due to being refused entry into the courtroom. Our adoption case worker even told the Judge that this is unethical, what you are doing.

We prepared and were ready to file a Petition for Mandamus and Application for Restraining Order to the Supreme Court as a last resort to try and save William. The Judge took the decision under advisement. The fear that someone was going to knock at our door and rip William away from all of us lasted for months. Our attorney reached out to DCF as no order had been filed. It was decided that DCF would write a letter to the Judge letting her know DCF was going to give consent if she didn't rule. We were told the response back was DCF would be ill advised to do so. With no ruling DCF signed consent on June 1st. We finalized William’s adoption that day! He was finally safe!

The Judge did finally rule on June 11, 2018 from the secretive hearing on April 11, 2018.

William's order contains this order “law”:

“This court orders that all future placements to any kinship home will first be reviewed in court or approved by the guardian ad litem to ensure that this extreme lack of judgment in determining a child’s best interest does not impact any other children under this court’s jurisdiction.”
Today, this order still stands as “law” in this county and has affected many more children. A baby/child shouldn’t be held hostage in the foster care system with the district court handcuffing DCF from placing a child in a relative/kinship home. When a relative/kinship home comes forward in the beginning, which meets all DCF qualifications, is safe, is willing and capable, the child should be placed with its family. I do understand that there are cases with no qualified family and an unrelated/unknown foster family will need to take placement of the child, but that should be the last option for placement, not the first.

Without HB2070 there is NO appeal process in a CINC case past the termination of parental rights. This is due to a judicially invented term “permanence orders” for post termination orders. The legislature could not predict this made-up term to include it in its list of appealable orders, when in short there is no such thing as “permanence orders” anywhere in the CINC statute. District Court judges can rule on their feelings or beliefs vs the law and nothing can be appealed. It leaves someone as important as an Interested Party no ability to appeal, even if a decision is completely contrary to the law.

Justice Standridge, asked this question in oral arguments on a recent case. “Any decision after TPR is basically unreviewable by this court (Supreme Court)? So, if the district court judge picked a friend of hers that had never even met the children. The kids had been in a foster home or let’s say they had been with grandma and then there was a termination of parental rights and DCF was going forward and the district judge said, “my friend really wants a baby.” So, I am going to take custody from DCF and give custody for adoption to my friend, who wants a baby. We couldn’t review that under NAC, right? Yes, this is the current situation in the Kansas court system. NO district court judge’s decision post termination can be reviewed or appealed.

Isn’t a child’s life worth having oversight! William’s case is just one, but I personally know of others over the last several years as families have approached me for help. Sadly, their stories didn’t end like William and Ricky’s story. My heart breaks for the loss, the trauma, and the pain of each child, for NyKole, for Liam, for Genesis, for Brantley, for Mena, for Bradley, for J.C., for Landon, for Fae, for Max and the others that we don’t know that have endured such injustice at the hands of the system that was supposed to protect them.

HB2070 will correct this error of “law.”

Kansas foster children and families need HB2070.

Thank you,
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