

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 394**

As Recommended by Senate Committee on
Judiciary

Brief*

Sub. for SB 394 would enact the Kansas Foster Parents' Bill of Rights Act within the revised Kansas Code for Care of Children (Code). The Act would:

- Recognize foster parents' integral role in the effort to care for displaced dependent children, and declare that foster parents have the right to be treated by the Kansas Department for Children and Families (DCF), the Kansas Department of Health and Environment (KDHE), and other partners in the care of abused and neglected children with dignity, respect, and trust. Foster parents shall treat all children in their care, each child's birth family, and all members of the child professional team with dignity and respect;
- Require KDHE to provide foster parents with written notification of their rights under the Act at the time of initial licensure and license renewal;
- Require DCF to publish the Prevention and Protection Services Policy Procedure Manual on the DCF public website and require access for foster parents to DCF policies posted on the DCF website. Foster parents would have access to rules and regulations regarding their licensure which are posted on the KDHE website, and would be

*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>

required to comply with the licensure requirements and policies of their licensing agency and child placing agency;

- Require DCF to provide foster parents with pre-service training and require DCF, KDHE, or the child placement agency to provide training at appropriate intervals to meet mutually assessed needs of the child and to improve foster parent skills;
- Require DCF to provide to foster parents, prior to and during placement, pertinent information regarding the care and needs of the child, and to protect the foster family to the extent allowed under state and federal law;
- Require DCF to provide information to foster parents regarding the number of times a child has been removed and the reasons for removal, to the extent permitted by law, and allow DCF to provide names and phone numbers of previous foster parents if authorized by the previous foster parents;
- Require DCF to arrange for pre-placement visits between foster children and family foster home parents, when appropriate and feasible;
- Allow foster parents to ask questions about the child's case plan or to encourage or refuse a placement. Such refusal could not serve as the sole determining factor in subsequent placements if such placement is in the best interests of the child. After placement of a child with foster parents, DCF would be required to update the foster parents as new relevant information about the child and the child's parents and other relatives is gathered;

- Require DCF to provide timely notification to foster parents of all case plan meetings concerning children placed in their homes. Foster parents would be encouraged to participate in such meetings and provide input, and would be informed by KDHE regarding their family foster home licensure;
- Require DCF to, when appropriate and feasible, establish reasonably accessible respite care for children in short-term foster care, in consultation with the foster parents. Foster parents would be required to follow DCF policies and procedures in requesting and using respite care;
- Require foster parents to treat information received from DCF about the child and child's family as confidential, except necessary information provided to practitioners for the medical or psychiatric care of the child or to school personnel in securing a safe and appropriate education. Foster parents would be required to share information they learn about the child and child's family, or concerns arising in the care of the child, with the caseworker and other members of the child professional team;
- Allow foster parents to request all available information, when possible, before deciding whether to accept a child for placement;
- Allow foster parents to continue the practice of their own family values and routines while respecting the child's cultural heritage and cultural identity and needs. DCF would be required to provide foster parents with relevant information on specific religious or cultural practices of the child;
- Require all discipline and discipline methods to be consistent with state law and rules and regulations, including those adopted by DCF and KDHE.

Visitations with the child's siblings or biological family should be scheduled at a time meeting the needs of all parties, whenever possible, and foster parents would be required to be flexible and cooperate with family visits and provide supervision and transportation for the child for such visits;

- Require DCF to provide, upon a former foster parent's request, general information, if available, on the child's progress if the child is in the custody of the Secretary for Children and Families and the child and child's placement agrees;
- Require 30-days' advance notice to foster parents, in accordance with the statute governing change of placement;
- Set forth the right of foster parents to be considered, when appropriate, as a placement option when a child formerly placed with such foster parents re-enters the child welfare system;
- Require foster parents to inform the caseworker in a timely manner if the foster parents desire to adopt a foster child who becomes free for adoption. If the foster parents do not choose to pursue adoption, they would be required to support and encourage the child's permanent placement, including providing certain information and accommodating transitional visitation;
- Require advance notification to foster parents of all court hearings and review pertaining to a child in their care and of their right to attend and participate under applicable state and federal law;
- Set forth the right of foster parents to complete and submit to the court the foster parent court report form;

- Set forth foster parents' access to the appeals and grievance processes pursuant to state law and regulations and policies of DCF and KDHE; and
- Set forth foster parents' right to contact DCF or KDHE regarding concerns or grievances about management decisions or delivery of service issues.

The bill would define "foster parent" and "family foster home."

The bill would amend the Code with regard to access to information contained in law enforcement records to remove licensed or registered child care providers from the list of individuals or agencies entitled to access to such information.

The bill would amend the statute within the Code governing change of placement to require 30 days' written notice of a planned change in placement to various parties when a child has been in the same foster home or shelter facility for three months or longer. Under current law, such written notice is required if a child has been in the same placement for six months or longer.

Finally, the bill would update agency references to reflect agency reorganization.

Background

The bill was introduced by the Senate Committee on Assessment and Taxation. In the Senate Committee on Judiciary, representatives of the Kansas Foster and Adoptive Children Inc. and the Midwest Foster Care and Adoption Association, as well as a social worker and several foster parents, testified in support of the bill. A representative of EmberHope submitted written testimony supporting the bill.

A representative of DCF testified as a neutral conferee and a representative of KDHE submitted written neutral testimony.

The Senate Committee adopted a substitute bill suggested by the proponents and neutral conferees modifying the language in the Bill of Rights, removing a section that would create a State Foster Care and Adoption Board, and removing some changes to existing statutes proposed in the original bill.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, DCF estimates the annual cost of meetings for a State Foster Care and Adoption Board would be \$10,016. Increased foster parent training required by the bill would require a staff development specialist position at \$55,106 in salaries and \$3,630 in other costs. The bill does not set a standard for the appropriate level of respite care, but one additional day per month of respite care would cost approximately \$2.5 million each year.

The Office of Judicial Administration states the bill would have no fiscal effect on the Judicial Branch. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.

There is no fiscal note available for the substitute bill.