



Senate Committee on Judiciary

February 11, 2016

Testimony on:

SB 315

Presented by:

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Testimony of:

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Chairman King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

I am Kasey Rogg, Deputy General Counsel, Kansas Department for Children and Families (DCF). Thank you for this opportunity to provide testimony regarding SB 315.

The Department for Children and Families Foster Care and Residential Facility Licensing Division is responsible for issuing licenses to family foster homes that are in compliance with applicable statutes and regulations. These statutes and regulations set standards that are thoughtfully designed to ensure the health, safety and well-being of children in foster care.

Current regulations contain a limitation on the number of children who can be placed in care in a home (K.A.R. 28-4-804(a)(1)). A license may be granted for a maximum of four children in foster care, with a maximum of six children in the home, including the foster parent(s)' own children under 16 years of age. No more than two children in the home may be under 18 months of age.

This limitation is similar to the limitation of SB 315. What is not similar is that under the regulations, the Foster Care and Residential Facility Licensing Division is permitted discretion to grant exceptions to the limitations, which can exceed 30 days. The enactment of SB 315 will remove this discretion.

Kathy Armstrong, my colleague testifying with me today, representing DCF Prevention and Protection Services, addresses information as to the need for the discretion to grant exceptions. I will address the actual procedures used to ensure that exceptions to the capacity regulation are granted only after careful consideration and only if consistent with the health, safety and well-being of the specific children in foster care.

Requirements to Request an Exception

A request for an exception to the capacity regulation must be made in writing on a detailed, three-page form. The form requires the signature of the sponsoring Child Placing Agency (CPA) social worker and requires a narrative plan of how the exception

is in the best interest of each specific child and how the social worker will assure the health, safety and well-being of each of the children in care. The CPA social worker must submit a floor plan of the foster home. Accompanying the floor plan, the planned occupants of every bedroom are to be listed together with their age, gender, relationship to the foster parent(s) and, if applicable, the length of time they have been placed in the home. Sibling relationship information must be provided. The number of beds and cribs must be explained. We inquire as to the number of seats and appropriate restraints in available vehicles to be used to provide necessary transportation. We specifically inquire about vehicle child safety seats and/or booster seats. We verify that the family is equipped to care for children in the age range of the particular children in care. We inquire as to any special needs of any child. We request information about any additional supports the CPA may provide to enable the foster family to provide the necessary care for the children. We inquire as to how many other local family foster homes were contacted within the particular agency for placement of the foster child or children concerned and what other CPAs were contacted (including specific contact information).

Exception Approval Process

After the exception request is submitted, only the Division Director or a Regional Administrator has the authority to grant an exception. As individual consideration is given to each request, factors considered include:

- The justification for the exception
- The length of time requested for the exception
- Any prior exceptions and/or extension of a prior exception
- Additional supports the Child Placing Agency may provide to the home, such as respite
- Additional monitoring of the home
- Past enforcement history
- Past complaint history
- How long the home has been licensed
- Other biological children in the home
- Individual factors related to the child
- Age mates of children sharing rooms and approval of same by case managers
- Total number of children under 16
- Whether children are outside of licensed age range
- Square footage
- Whether rooms proposed to be used for foster care have been inspected by our surveyor previously
- How long it has been since our surveyor last inspected premises

- Whether there are more appropriate available placements that would prevent the need for the exception

Only after an individual consideration of these factors and an individual consideration of the information presented on each exception, is a decision made. Always paramount in the consideration is the best interest of the health, safety and well-being of the specific children involved in that case. Then, in six months, that particular exception, if granted, expires and the whole process must be repeated.

DCF is neutral with respect to SB 315. Thank you for the opportunity to provide testimony before the Committee today.