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To: Special Committee on Foster Care Adequacy

From: Robert Gallimore, Principal Research Analyst

Re: Foster Care Workgroups, Task Forces, and Committees

The Special Committee on Foster Care Adequacy, as part of its charge from the Legislative Coordinating Council (LCC), is to “evaluate whether a working group consisting of attorneys in the area of family law, judges, foster parents, and parents with reintegrated children would aid in addressing foster care concerns.” This memorandum provides information regarding existing foster care workgroups, task forces, and committees, which may be of assistance in the Special Committee’s consideration of the appointment of a workgroup to address foster care adequacy and in discussing the possible membership make-up of such a workgroup. It also provides information regarding the 2015 Kansas Juvenile Justice Workgroup, 2016 legislation that would have established a Kansas Foster Care Oversight Task Force, and recent foster care workgroups in other states.

Juvenile Offender/Child in Need of Care Advisory Committee

The Judicial Council (Council) has established advisory committees tasked with reviewing specific areas of law and making recommendations to the Council for needed improvement. These projects may be initiated by the Council, assigned by the Legislature, or requested by the Kansas Supreme Court. Members of the Council’s advisory committees are authorized compensation and allowances under KSA 20-2206.

Appointments to advisory committees are made by the Council. When a vacancy occurs, existing members may provide recommendations to the Council regarding the replacement. There are no fixed terms or set requirements for the composition or number of members on an advisory committee. Most committees have 10 to 12 members, although some are larger. In appointing members to a committee, an attempt is made to “get all the voices to the table” regarding the advisory committee topic and to ensure different interests and geographic regions are represented. Sometimes, as in the case of the Foster Parents’ Bill of Rights, *ad hoc* members are appointed to join the regular members on the advisory committee to study that particular issue.

The Juvenile Offender/Child in Need of Care (JO/CINC) Advisory Committee is one of several advisory committees established by the Judicial Council. The JO/CINC Advisory Committee monitors the Revised Kansas Code for the Care of Children and the Revised Kansas Juvenile Justice Code and updates, as needed, the forms it prepared for use under

these codes. Additionally, the JO/CINC Advisory Committee studies juvenile-related issues. The Council's website lists four meeting dates in 2015 for the JO/CINC Advisory Committee.

According to the Judicial Council's website, the current members of this Advisory Committee are:

- Honorable Maritza Segarra, Chairperson (Junction City)—Geary County District Court Judge and a member of the Judicial Council;
- Kathy Armstrong (Topeka)—Staff Attorney for Prevention and Protection Services, Kansas Department for Children and Families;
- Honorable Dan Brooks (Wichita)—Sedgwick County District Court Judge;
- Charlene Brubaker (Hays)—Assistant Ellis County Attorney who works exclusively in JO and CINC matters;
- Kathryn Carter (Topeka)—Director of the Racial Profiling and Biased-Based Policing Unit of the Kansas Attorney General's Office;
- Jeff Cowger (Topeka)—Deputy General Counsel, Kansas Department of Corrections, Juvenile Services;
- Mickey Edwards (Emporia)—State Director, Kansas Court Appointed Special Advocates (CASA);
- Donald W. Hymer (Olathe)—Johnson County Assistant District Attorney;
- Honorable Jeffrey L. Jack (Parsons)—Labette County District Court Judge;
- Sandra Lesser (Wichita)—Sedgwick County District Attorney's Office;
- Professor Richard E. Levy (Lawrence)—J.B. Smith Distinguished Professor of Constitutional Law at the University of Kansas School of Law;
- Senator Julia Lynn (Olathe)—Business owner, Senate Assistant Majority Leader, member of Senate Judiciary Committee;
- Rachel Y. Marsh (Halstead)—Attorney with Saint Francis Community Services;
- Representative Janice L. Pauls (Hutchinson)—Attorney, previous ranking minority member on House Corrections and Juvenile Justice and House Judiciary Committees; and
- Dawn Rouse (Topeka)—Office of Judicial Administration.

In 2014, the JO/CINC Advisory Committee was assigned a study on the topic of legal rights of foster parents, as addressed in 2014 Sub. for SB 394—the Foster Parents’ Bill of Rights. Six additional temporary members were appointed to the Advisory Committee to ensure foster parents and other relevant stakeholders were part of the discussion. The JO/CINC Advisory Committee Report on the legal rights of foster parents is available at <http://www.kansasjudicialcouncil.org/FINAL%20SB%20394%20Foster%20Parent%20Report%20-%20with%20attachments.pdf>.

Other Foster Care Workgroups, Task Forces, and Committees

The Kansas Department for Children and Families (DCF) provided a list for the 2015 Special Committee on Foster Care Adequacy of then-existing foster care workgroups, task forces, and committees. According to DCF representatives, most of the following stakeholders would be represented in one or more of the groups listed: judges, Office of Judicial Administration, attorneys (including guardians *ad litem* and prosecutors), court appointed special advocates (CASAs), foster parents, birth parents, and representatives of numerous state agencies and entities and non-governmental agencies and entities that have a role in or contact with the child welfare system. The list provided by DCF is attached.

2015 Kansas Juvenile Justice Workgroup

Following reports highlighting high costs and unsatisfactory outcomes in Kansas’ juvenile justice system, the leaders of all three branches of Kansas government appointed the Kansas Juvenile Justice Workgroup (Workgroup) in 2015 and charged the Workgroup with developing policy recommendations to advance three goals:

- Promote public safety and hold juvenile offenders accountable;
- Control taxpayer costs; and
- Improve outcomes for youth, families, and communities in Kansas.

The Workgroup consisted of 17 representatives from all parts of the juvenile justice system, including judges, district/county attorneys, law enforcement, public defenders, and KDOC, as well as legislators from both parties and chambers. The Workgroup received technical assistance from the Public Safety Performance Project of The Pew Charitable Trusts (Pew) as well as the Crime and Justice Institute at Community Resources for Justice.

The Workgroup met monthly from June through November 2015, beginning with a comprehensive, data-driven assessment of Kansas’ juvenile justice system. The Workgroup reviewed data collected from the Office of Judicial Administration (OJA), the Juvenile Services Division of the Kansas Department of Corrections (KDOC), and DCF. The Workgroup conducted a broad assessment of Kansas’ juvenile justice system, analyzing statutes, policies, practices, and programs.

Additionally, the Workgroup conducted over two dozen roundtable discussions across the state with key system stakeholders including judges, law enforcement, crime victims, educators, staff, service providers, juvenile offenders, and youth found to be children in need of care (CINC). Staff from KDOC, DCF, Court Services, the judiciary, the legislature, and other agencies provided information through interviews. The Workgroup conducted surveys of court

services officers (CSOs) and community corrections officers (CCOs), gathering 99 CSO responses from 23 judicial districts and 155 CCO responses from 83 counties.

The Workgroup reviewed research and heard from leading experts in the field on effective approaches to reducing delinquency, including peer-reviewed empirical studies about community-based practices and efficient and appropriate use of secure facilities and other out-of-home placements.

The Workgroup formed three subgroups to more closely examine specific issues and develop policy recommendations. These subgroups met at least four times each and developed recommendations based on national research, Kansas-specific data, and state examples of best practices. These were submitted to the full Workgroup for consideration, and ultimately the Workgroup issued 40 consensus-based recommendations. Many of these recommendations were incorporated in 2016 SB 367, which was passed by the Kansas Legislature and approved by the Governor, and now are being implemented by the various stakeholders in the Kansas juvenile justice system.

(Note: The above information was drawn primarily from the *Final Report* of the Juvenile Justice Workgroup, which may be viewed in its entirety here: <https://www.doc.ks.gov/juvenile-services/workgroup/report>.)

Pew staff provided the following additional information regarding Pew's support of the Workgroup's activities:

- Initially, Pew was contacted by Kansas officials requesting technical assistance. After repeated outreach from Kansas officials, Pew came to Kansas to meet with leadership from all three branches and system stakeholders to evaluate if the technical assistance model was appropriate for Kansas at the time and to secure a commitment from leadership to support the effort;
- Three full-time Pew staff supported the Workgroup. A data analyst spent 60 percent time on Kansas, and two additional staff spent 50 percent time on Kansas. Supplemental communications support and research support was provided as needed;
- Pew provided data resources to the Workgroup, data-based evidence regarding best practices in other states, and support in organizing the work of the Workgroup and producing the Workgroup's minutes and reports (including outreach to stakeholders to gauge their input through the process and to educate them regarding the Workgroup's efforts). Pew personnel also provided data and analytical support as SB 367 progressed through the legislative process and hired three local lobbyists to provide support for the bill; and
- All support provided by Pew was *via* the personnel resources described above, except for the hiring of the local lobbyists.

2016 HB 3585 – Establishing the Foster Care Oversight Task Force

The 2016 House Committee on Children and Seniors recommended HB 3585, establishing the Foster Care Oversight Task Force, be passed as amended. The bill ultimately died at the end of the Session without further action.

As amended by the Committee, the bill would have established the Foster Care Oversight Task Force (Task Force) and a sunset date. The bill would have established the responsibilities of the Task Force; outlined a non-exclusive list of data to be provided by the DCF upon request; provided for membership appointments, leadership, quorum, terms, and meeting days; and upon approval by the LCC, provided for member compensation and legislative and professional services requested by the Task Force. The Task Force would have been required to submit a written report at the beginning of each regular session of the Legislature.

Task Force Responsibilities

The Task Force would have had the following responsibilities:

- Review the level of oversight and supervision by DCF over foster care contractors;
- Evaluate whether a working group consisting of attorneys in the area of family law, judges, foster parents, and parents with reintegrated children would assist in addressing foster care concerns;
- Study the proper selection of foster parents and the qualifications of foster parents; and
- Review the duties of those individuals responsible for foster children, the Safe Families Act, the connection between DCF and foster care contractors, and such other areas of concern regarding foster care.

Data to be Provided by DCF

On request of the Task Force, DCF would have been required to provide certain data and information on foster care programs.

Membership and Leadership

The Task Force would have consisted of 17 members, appointed as follows:

- Two members of the House Committee on Children and Seniors and two members of the House of Representatives appointed by the Speaker of the House of Representatives;

- One member of the House Committee on Children and Seniors and one member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- Two members of the Senate Committee on Public Health and Welfare and two members of the Senate appointed by the President of the Senate;
- One member of the Senate Committee on Public Health and Welfare and one member of the Senate appointed by the Minority Leader of the Senate;
- Five members appointed by the Governor to serve at the Governor's pleasure, as follows:
 - An attorney who practices family law;
 - A district court judge who maintains a family law docket;
 - A Court Appointed Special Advocate;
 - A guardian *ad litem*; and
 - A member of the Kansas Children's Service League.

Terms

Legislative members would have been appointed for terms coinciding with their elected or appointed legislative terms. Governor appointees would have been appointed for a term of three years. Members appointed to fill vacancies and appointed to succeed would have been appointed in the same manner as the original appointment of the member succeeded.

Meeting Days, Compensation, and Support Staff

From the effective date of the bill, the Task Force would have been required to meet at least six times on the call of the chairperson. The chairperson would be allowed to call additional meetings when urgent circumstances exist necessitating such meetings. If approved by the LCC, Task Force members would receive compensation per KSA 75-3223 for attending meetings authorized by the Task Force. Additionally, legislative and professional services requested by the Task Force would be allowed as authorized by the LCC.

Annual Report

At the beginning of each regular legislative session, the Task Force would have been required to submit a written report on the findings and recommendations for the previous year to the President of the Senate, the Speaker of the House of Representatives, the House Committee on Children and Seniors, and the Senate Committee on Public Health and Welfare.

Task Force Sunset

The Task Force would have sunset on January 1, 2019.

Recent Foster Care Workgroups in Other States

Missouri

In 2011, the interim director of Missouri's Department of Social Services appointed 19 experts and stakeholders from the public and private sectors to the Missouri Task Force on Recruitment, Licensure and Retention of Foster and Adoptive Homes. This Task Force was charged by Missouri legislation to "study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide."

According to the Task Force's December 2011 report:

The task force met five times between September 2011 and November 2011. Panel members represented multiple agencies and stakeholders, all with experience in the various aspects of recruitment, licensure and retention of foster and adoptive homes. Members included the foster care case management community, child advocates, the state advisory board on foster and adoptive care, subcontractor community, faith-based community, foster and adoptive associations, and state staff. Also beneficial to the task force were several members who were foster and/or adoptive parents. Work sessions included presentations from task force members and dissemination of related laws, regulations, policies and data. Members were resourceful in researching practices and trends in Missouri and other states. The aim was to identify the most salient practices and policy approaches by which current resources could be leveraged to make significant system gains.

The Task Force made several recommendations, separated into four categories:

- Options attainable in the near future involving practice changes within the Children's Division and its contracted providers;
- Practice changes with high potential requiring longer-term implementation;
- Recommendations requiring policy revisions; and
- Long-term innovations and process improvements requiring further research and evaluation.

The Task Force received staff support through the Community Partnership of the Local Investment Commission (LINC) of Kansas City. The Task Force's full report (from which the above information was drawn) may be found here: http://dss.mo.gov/cd/pdf/fc_report.pdf.

Minnesota

In July 2015, the Minnesota Department of Human Services Commissioner appointed the Foster Care Workgroup, which was formed to address concerns about the foster care

system and provide recommendations for improvement. The Workgroup was co-chaired by the Department's Assistant Commissioner and Inspector General, and included representation from the state Department of Corrections; state Department of Education; state judicial branch; tribal courts; county and tribal child welfare agencies; African-American child welfare service agency; private providers; law enforcement; foster youths; foster parents; parents; and the Department's Child Safety and Permanency Division, Community Supports Administration, and Office of Inspector General Licensing Division.

The Workgroup reviewed the child foster care system to assess practices, especially at critical decision points, to ensure children are safe, improve their well-being, and help them find permanent homes. The Workgroup made initial recommendations in December 2015 in the following areas:

- Recruitment, application, and licensing processes for foster care homes overseen by county, tribal, and private agencies;
- Policies on how children are removed from their homes, with a focus on how to minimize and treat trauma, including keeping sibling groups together; and
- Quality and availability of staffing and resources, including resources for case coordination to improve educational outcomes, medication management, screenings, and service referral/monitoring, family visitation planning, and reunification/permanency planning.

The Workgroup also planned to address:

- Northstar Care for Children;
- Minnesota Assessment of Parenting for Children and Youth (MAPCY);
- How youth can have a voice and best be informed about their rights and what standard of care they can expect from foster parents;
- Protocols and processes that ensure children have a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or equivalent identification card;
- Child maltreatment reports in foster care (screening, investigation, licensing notification);
- Empowerment of foster children age 14 and older in planning for their own lives;
- Curricula and training resources for foster care providers;
- Practices encouraging involvement in extracurricular, enrichment, cultural and social activities while in care;

- Reunification and aftercare support services;
- Foster care re-entry;
- Racial disproportionality in foster care; and
- Sex-trafficked youth in foster care, including protecting missing and runaway children and youth at risk of sex trafficking.

The Commissioner and Department staff provided general administrative and technical assistance to the Workgroup. The full final report of the Workgroup (from which most of the above information was drawn), may be viewed at: <http://www.lcc.leg.mn/tfcp/meetings/01192016/Child%20Foster%20Care%20Work%20Group%20Report%20%20December%202015.pdf>.

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Evaluate whether a working group consisting of attorneys in the area of family law, judges, foster parents and parents with reintegrated children would aid in addressing foster care concerns.

***Please note that in an effort to keep this list a summary, it does not include each member specifically, but all members can be provided.**

- **Supreme Court Task Force on Permanency Planning (SCTFPP)-Chaired by Wyandotte Co. District Court Judge Daniel Cahill**
- **Judicial Council Juvenile Offender/Child in Need of Care Subcommittee**
- **Permanency Advisory Committee**
- **Citizen Review Panel-Custody to Transition**
- **Children's Alliance**
- **KBORG-Multidisciplinary group which address foster parent issues/concerns**
- **Kansas Adoptive and Foster Parent Association (approx. 2000 members) Official affiliate of the National Adoptive and Foster Parent Association**
- **Kansas Family Advisory Network, Inc.-Advocates and supports parents who have had contact with the child welfare system**
- **Children's Alliance-provides Trauma Informed Partnering for Safety and Permanency-Model Approach to Partnering and Parenting (TIPS-MAPP) training as well as ongoing trainings for foster parents**
- **CPA Forum-Organized by DCF CPA and Licensing Division**
- **Kansas Adoption Permanency Planning (KAPP)-KU has a federal grant through 2018 to address systemic changes to ensure everyone is using the same screening and assessment tools. Case Plans should then be based on results of such screening/assessment to ensure child's needs are met**
- **Psychotropic Medication Workforce-DCF, KDADS, MCOs, DCF Contractors (who then push information out to the Child Placing Agencies-CPAs).**
- **DCF is currently working with National Resource Center on Diligent Recruitment to address effective recruitment of adoptive and foster parents and relatives**

NOTE: DCF has a Quality Assurance process in place which involves review of approx. 1400 cases (Case Reviews) annually. The case reviews are done on a quarterly basis and numerous questions are posed and answered as a result of the review. The information is provided to DCF regions and contractors and is utilized to assess and determine what needs to be addressed to ensure needed improvement and quality services for children and families DCF serves.

Additionally, DCF PPS has a Continuous Performance Improvement process in place. Projects/issues are identified and process is implemented to produce resolutions/recommendations. A Steering Committee (PPS Data Unit and Regional Performance Improvement Supervisors) is the lead on facilitating the group engaging in the process. Members of each group vary as they are identified based on the specific issue/problem to be addressed.

DCF has a Foster Parent and Youth Ombudsman who works with DCF Office of Customer Service to respond to requests for information, concerns and complaints.