

MINUTES OF THE HOUSE CHILDREN AND SENIORS COMMITTEE

The meeting was called to order by Chairperson Steve Alford at 9:00 am on Thursday, January 26, 2017, in room 218-N of the Capitol.

All members were present except:

Representative Mike Kiegerl – Excused

Committee staff present:

Florence Deeter, Kansas Legislative Committee Assistant

Iraida Orr, Legislative Research Department

Kyle Hamilton, Office of Revisor of Statutes

Robert Gallimore, Legislative Research Department

Conferees appearing before the Committee:

Kellie Hogan, Attorney, Children's Advocacy Center, Wichita, Kansas

Kendall McVay, Attorney, Topeka, Kansas, Representative of Children in Foster Care

Liz Billinger, Shawnee County, Office of the District Attorney

Rachel Hockenbarger, Guardian Ad Litem, Topeka, Kansas

Shanelle Dupree, Parent's Attorney, Kansas City, Kansas

Others in attendance:

[See Attached List](#)

The Chair opened the meeting at 9:00 a.m. and welcomed all in attendance. He indicated a time limit of 10 minutes for speaking to allow time for questions from committee members.

Kellie Hogan, an attorney for the Children's Advocacy Center in Wichita, explained the role of *guardian ad litem* and the Child in Need of Care (CINC) system. She related how a CINC case begins when a report is received by the Kansas Department for Child and Families (DCF) or the local police regarding a child being subjected to abuse or neglect. Following an investigation to determine if the alleged abuse meets the CINC standards, a petition is filed and a *guardian ad litem* appointed to represent the interests of the child. Sometimes a volunteer assistant (Court Appointed Special Advocate, or CASA) helps provide resources for the child. Ms. Hogan commented that placement for older children continues to be problematic, and often a range of resources is not available for certain cases. She responded to questions by saying that yearly reports come before the court in a CINC case to determine what progress has been made for permanency placement for the child ([Attachment 1](#)).

Kendall McVay, an attorney representing children in foster care, outlined his experience with CINC cases and highlighted the need for more adequate funding in order to reduce case loads. He also

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commented on the limited resources that foster care workers are able to offer and the need for retaining experienced case workers. He noted that the turnover of workers is extremely high with some families having two to three different case workers within a year. Responding to a question, Mr. McVay reported that less populated counties seem to have more consistency in providing services and resources for families. He noted that the goal for foster children is to increase the number of children who can return to safe homes ([Attachment 2](#)).

Liz Billinger, Family Law Division, Shawnee County District Attorney's Office, explained that she provides oversight for about 1500 cases involving CINC ([Attachment 3](#)). She focused on the logistical issues that arise before a child is adjudicated. For example, she said certain legal controls are unavailable if a child begins running away before being adjudicated. DCF's Family Preservation Services discourage placement with an appropriate relative, de-emphasize reintegration, and seem to prefer DCF custody. Also the statutory requirement of a hearing within 72 hours for children placed in protective custody limits DCF's ability to do a thorough investigation.

Ms. Billinger offered several recommendations:

- Extend the legal order for a runaway risk to remain in placement before the child is adjudicated;
- Extend the services offered by Family Preservation;
- Create a statutory basis for addressing parental substance abuse; and
- Increase the time frame for hearings to allow for a more thorough investigation.

Rachel Hockenbarger, *guardian ad litem*, testified that her 16 years' experience leads her to recommend that the Kansas Child Welfare System needs a complete restructuring. Her recommendations were to clarify and condense the Kansas Code for the Care of Children, mandate training for all who work in the child-welfare system, and provide adequate resources to accomplish what the law requires ([Attachment 4](#)).

Shanelle Dupree, a family-law attorney and *guardian ad litem*, focused on areas of dysfunction in the child welfare system ([Attachment 5](#)). She explained the complexity of the CINC process and the difficulty of working with parents when case worker turnover leaves parents without the tools they

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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need to navigate the system. She recommended putting in place a thorough orientation for parents and more active recruitment of foster parents.

The meeting was adjourned at 10:40 a.m. The next meeting is scheduled for January 31, 2017.