

DCF LEGISLATIVE TESTIMONY



3/24/2021

TESTIMONY OF

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TESTIMONY ON

SB 85

Chair

Concannon

Vice Chair

Esau

Ranking Member

Ousley

and

Members of the Committee

SUMMARY OF ISSUE & DCF POSITION

Senate Bill 85 addresses DCF's responsibilities related to notification when a child in foster care is missing from their placement or spends the night in a facility owned by a case management provider (CMP). The bill would require DCF to notify the governor, legislature, and local newspapers in each instance a child is missing from their placement or spends the night in a CMP owned facility.

DCF is neutral on SB 85 as much of this monitoring and notification is already being accomplished through DCF policy and procedure

CONTEXT & HISTORY

Any time a child welfare case management provider learns that a child in DCF custody is missing from their placement, the provider is required by DCF's Policy and Procedures Manual to report this information to DCF within 2 hours of the provider being informed of the child's missing status. Immediately after receiving information that a child in DCF custody is missing, the secretary must notify law enforcement and the National Center for Missing and Exploited Children (NCMEC), as outlined in K.S.A. 2018 Supp. 38-2289.

The Policy and Procedures Manual also requires DCF staff to contact the child's parents or primary caregivers to make them aware of the child's missing status, elicit their assistance in locating the child, and provide frequent updates on search efforts. The court and the child's school are also notified of the child's status. DCF staff are required to make daily efforts to follow up with law enforcement and continue to keep the family up to date on the status of the search.

Currently, DCF has a dedicated special response team with full-time special investigators who work with local law enforcement, contractor staff and other community partners to locate and ensure the safety of children and teenagers who are missing or have run away from their foster care placement. Each CMP also employs full time investigators who serve on the special response team.

Investigators complete daily tasks to attempt to locate the missing children and teenagers, including:

- Processing critical incident reports from child welfare contractors. These reports provide important details about the missing teens, including their case manager's contact information, the circumstances surrounding their disappearances, and possible current locations.
- Searching internet sources, including social media, DCF databases, the National Center for Missing and Endangered Children and other databases for possible leads and addresses where a teen may be staying.
- Going out in the field and conducting active surveillance at specific addresses where a teen might be located.
- Taking photographs and calling law enforcement once a teen is located. (Law enforcement recovers the teen and returns them to foster care.)
- Completing documentation and updating departmental tracking spreadsheet.
- Maintaining contact with contractor staff to see if teens have returned on their own.

DCF Secretary Howard receives daily updates on missing and runaway youth in DCF custody. These updates include the ages and last known locations of the missing children, dates they were last seen, and efforts by DCF to locate each child. Additionally, a Youth Recovery Report that lists the number of foster youths currently missing from placement and the number of those recovered is posted daily on the public DCF website.

Per KSA 38-2212(d)(1), the Secretary can provide case-specific information related to youth missing from placement in a closed setting to legislators on the following committees after the signing of confidentiality agreements:

- House and Senate Judiciary Committees
- House Corrections and Juvenile Justice
- House Appropriations
- Senate Ways and Means
- Legislative Post Audit
- Any joint committee with authority to consider children's and families' issues

Contractors are also required by DCF policy and procedure to use the critical incident reporting process to notify the department anytime a child in foster care spends the night in an office. DCF policy and procedure requires CMPs to notify DCF at the time of staff knowledge of the incident.

DCF has committed to ending overnight office placements, and all night-to-night placements except for those deemed appropriate by placement standards, as part of the class action lawsuit settlement. CMP contracts will be amended to reflect this commitment, and, as part of the settlement agreement, progress will be monitored and reported by a neutral party.

Significant progress has already been made in this area. From July to March of Fiscal Year 2020 there were 124 instances of overnight office placements. During this same period in Fiscal Year 2021 there have been 48 such placements. This is a 63% decrease in overnight office placements. In January and February of 2021 there were a total of four overnight office placements, two each month. Thus far in March of 2021 there have been zero overnight office placements.

EFFECT OF LEGISLATION

SB 85 proposes a requirement that foster care CMPs give notification to DCF of any child who is reported missing within a time period not to exceed 24 hours any time the contractor knows or has reason to believe the child is missing from their placement or spending the night in a CMP facility. DCF policy and procedure already require such notification when a child is missing within 2 hours.

The language in (b)(1)(B) and (b)(3), "location not licensed as a placement for foster youth", needs to be amended should this bill move forward. Foster youth aged 16 years and older are not required to be in a licensed placement. Many relatives also open their homes and become placements for youth, which does not require a license. Unless this language is amended, CMPs will be required to provide notification anytime a youth spends the night in an approved relative placement. For context, 2,434 foster youth were placed with relatives at the end of February 2021. To avoid unnecessary notification, DCF requests that (b)(1)(B) and (b)(3) be amended to read:

(b)(1)(B) "spent any overnight period in a ***location that is not a licensed, related, or approved placement type for foster youth***"

(b)(3) "For any child who is reported as having spent an overnight period in a ***location that is not a licensed, related, or approved placement type for foster youth*** in accordance with this subsection..."

The bill would further require DCF to notify the Governor within 24 hours and the legislature within 48 hours upon receiving notification that child is missing from placement or spent the night in a CMP office. The bill also proposes to require DCF report receiving such a notice to the official newspaper of the county where the child went missing, or a newspaper of general circulation in the area.

Should SB 85 be enacted, DCF staff will be required to complete additional administrative work in order to comply with its new notification requirements.

Providing these notifications to each member of the legislature and county newspapers, even though it does not identify the children by name, is still a concern for DCF as the identity of these children in small rural communities could potentially still be discovered.

Further, the bill would require DCF to assess a fine against a contractor of \$500 per day for each day they do not notify DCF of a missing child or overnight in CMP facility as required by the bill.

FISCAL IMPACT OF LEGISLATION

DCF cannot fully calculate the fiscal impact of SB 85 but assumes that because much of this notification is already being done that additional notification requirements could be absorbed by DCF's existing workforce. The department assumes that reporting information to newspapers as required by SB 85 would have no additional cost as there is no requirements the newspaper publish that information.

Regarding the \$500 fines imposed on contractors, DCF does not anticipate significant fiscal impact to DCF or foster care case management providers.

DCF POSITION

DCF is neutral on Senate Bill 85. The department already provides much of the information within SB 85 to the public and policies are already in place to ensure that DCF is notified in a timely manner when youth are missing or spend the night in an office. Additionally, the potential that notifying local newspapers and the legislature could reveal the identities of foster youth in small rural communities is a serious concern.