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Written Proponent Testimony to House Committee on Child Welfare and Foster Care:

HB 2299: Directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances.

February 8, 2023

Chair Concannon, Vice Chair Johnson, Ranking Member Ousley, and Members of the Committee, I am writing as the Child Advocate with the Kansas Division of the Child Advocate, Office of Public Advocates, as a general proponent of HB 2299, Directing the secretary for children and families to consider foster parents as prospective adoptive parents under certain circumstances. The Division of the Child Advocate (KDCA) provides independent oversight and increased accountability to ensure that children who are alleged to be a child in need of care or adjudicated as a child in need of care and their families receive adequate coordination of child welfare services, for child maltreatment prevention, protection and care through services offered by the Department for Children and Families, the Department for Aging and Disability Services, the Department of Corrections, the Department of Health and Environment and juvenile courts.

KDCA has received numerous concerns voiced by foster parents, nonrelated kin caregivers, relatives, service providers, and those in the legal community regarding the current administrative process (i.e. Best Interest Staffing or BIS) in identifying the adoptive resource for a child. Current policy is interpreted and applied inconsistently across the state. This includes the consideration of siblings and other attachments. In addition to issues directly related to the BIS process, there are voiced concerns regarding judicial oversight, including the present limitations to appeal beyond the district court level.

In response, KDCA has facilitated dialogue with the Department for Children and Families (DCF), case management providers (CMP), child placing agencies (CPA), other child and family wellbeing advocates, and CASA. This dialogue has further affirmed present frustrations and inconsistencies. However, it has also highlighted positives that are viewed by the professionals as best practice and opportunities for improved policies and procedures.

KDCA supports the underlying premise that close and healthy attachments should be given significance and consideration in the overarching best interest analysis. This includes ensuring that foster parent placements, as outlined in HB 2299, are given consideration as a prospective

adoptive parent. However, KDCA also recognizes that placement for children in the custody of the Secretary also includes relative and nonrelated kin placements. KDCA strongly encourages further discussion to include relative and nonrelated kin placements in conjunction with the term ‘foster parent’.

As noted, KDCA has received concerns regarding judicial oversight and the limitations on appeals. KDCA cautions moving forward with the inclusion of the automatic right to appeal without further analysis to safeguard that considered expansion ensures equal due process, while balancing best interest and, more specifically, child’s time.

KDCA recognizes the need for improved policies and practices, consistent application, and supports HB 2299 direction in data collection, analysis, and reporting to promote best practices and accountability.

KDCA appreciates this Committee’s time and attention in recognizing the importance of close and healthy attachment when evaluating best interest and permanency for a child.

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