



**Proponent Testimony on HB2443  
House Child Welfare and Foster Care Committee  
March 6, 2023**

Chair Concannon, Vice Chair Johnson, Ranking Member Ousley, and Members of the Committee, my name is Rachel Marsh, CEO of the Children's Alliance of Kansas. The Alliance is an association of 19 private, non-profit child welfare agencies that collectively provide a full array of services for children and families in child abuse and neglect prevention, family preservation, foster care, adoption, independent living, and parent, youth, and child skill-building, mental health, and substance use treatment. Thank you for the opportunity to testify in support of HB2443.

As you are all aware, the child welfare system is complex and confusing, which creates real barriers for children, parents, and relatives in knowing what to expect when there are concerns related to investigations, case management and court processes, and decisions around permanency for children. Recent national research shows apprehension felt by families can be a significant barrier to effective engagement with child welfare institutions. As drafted, HB2443 creates an accessible, confidential outlet for anyone with child welfare case concerns to bring matters to a party who is perceived to be neutral. We support the Office of the Child Advocate as a means to build another source of education, information, support, and navigation for individuals. Importantly, the Office can ultimately assist our state agencies, lawmakers, and providers in targeting data-driven improvements identified through trends brought forth from the lens of lived experience.

Multiple layers of our child welfare system may potentially benefit from a case concern review from an Office of Child Advocate. Child safety and well-being is paramount, and a review by this Office can be another way to ensure Kansas meets the needs of our most vulnerable youth. Additionally, the Office can support review of effective engagement and service array for parents struggling with mental health, substance use, housing needs, access to health care and concrete supports. The Office will also be a resource for grandparents, aunts and uncles, or neighbors who come forward to support children. Where decisions are affirmed, case managers and providers making very difficult recommendations will be supported; where decisions identify opportunities for training or improvement, supervisors can address concerns, providers can modify practices, and DCF will have another tool for updating policies. And ultimately, where recommendations are made from a data and trend perspective, gaps in our service array can be brought to the appropriate state agency and to the legislature.

We want to highlight key aspects of HB2443 that create the basis for our support.

- 1) We support the effort made in HB2443 to ensure that the Office of Child Advocate appointment process is as a-political as possible. We support that the appointment process is intended to have input from multiple branches, be bi-partisan, and extend for a time frame unrelated to who is Governor.

- 2) We support that HB2443 sets out qualifications for the Office of Child Advocate and ensures that case reviews and recommendations will be made within the context of best practices in child welfare. The Office of the Child Advocate will need to understand federal law, the child in need of care code, state policy, funding streams, the federal and state networks of monitoring performance and ensuring outcomes, trauma-informed practices, child development, and multiple other aspects in order to timely and effectively review case concerns. To ensure child safety, permanency, and well-being from a trauma-informed perspective, while understanding how the due process of law creates necessary context for all child welfare decisions, the Office of the Child Advocate will need to have child welfare qualifications and training.
- 3) Whether our state meets the needs of children at risk of child maltreatment or children placed in foster care depends on the strength and interplay of multiple systems and silos – including but not limited to access to mental health care, substance use treatment, intellectual and developmental disability services, education, and effective juvenile justice interventions. We support that under HB2443, the Office of Child Advocate may review complaints across state agencies and service providers, including private for-profit and non-profit providers and any juvenile court, that may adversely affect the health, safety, welfare, or civil or human rights of a child who may be a child in need of care.
- 4) We support that HB2443 allows the Office of Child Advocate access to interview a child if needed, but also recognizes that multiple interviews can be traumatic for a child and may also interfere with a critical law enforcement criminal investigation or DCF child abuse investigation. HB2443 balances the access to interview any child by requiring that the Office of Child Advocate initially seek basic case knowledge to ensure an interview is appropriate and necessary.
- 5) We support that HB2443 gives the Office of Child Advocate full and free access to case information and records at the highest access level alongside district attorneys, DCF, and law enforcement. HB2443 maintains consistency with the child in need of care code sections governing confidentiality and exchange of information. We support that HB2443 is drafted in such a way as to allow the Office to function alongside other key child protection agents, gathering and sharing information as needed to accomplish the tasks of the Office.
- 6) We support that HB2443 will require the Office of Child Advocate to monitor and report trends and recommendations to legislators. We support that the annual report shall include the number of complaints received by the office, the disposition of such complaints, the number of children involved in such complaints, the state entities named in such complaints, whether such complaints were found to be substantiated, and any recommendations for improving the delivery of child welfare services to reduce complaints or improve the function of the office. We interpret this to mean the Office of Child Advocate should focus on trends and critical issues, a support for systems improvement in Kansas.
- 7) We support that HB2443 continues to center “child time” as a critical goal of our child welfare system. The federal Adoption and Safe Families Act (ASFA) requires that states achieve timely permanency for children in child welfare. Accordingly, federal outcome standards make timely permanency a key indicator of state performance in child welfare. The importance of child time and timely permanency are reflected across the Kansas child in need of care code, DCF policies and procedures, and standards for human service providers. It’s important that nothing in

HB2443 requires that an Office of Child Advocate's case review, pending investigation, or pending recommendation should cause a delay in any of these important time standards.

Thank you for your consideration of HB2443. I am happy to stand for questions at the appropriate time.

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**Members of the Children's Alliance of Kansas:**

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