

SESSION OF 2024

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2189**

As Recommended by House Committee on
Child Welfare and Foster Care

Brief*

Sub. for HB 2189 would amend the Revised Kansas Code for the Care of Children (CINC Code) to extend a court's jurisdiction in a CINC case under certain conditions and would require reentry services be provided by the Secretary for Children and Families (Secretary) for eligible young adults upon request.

The bill would create exceptions to continuing law that provide for termination of a court's jurisdiction over a child in a CINC case. A court would be prohibited from issuing an order terminating jurisdiction, as authorized in continuing law, over a child in need of care who makes a written request to the court for continuing jurisdiction. The written request could be made by a non-minor dependent in out-of-home placement who is attending but has not completed high school or a non-minor dependent in the custody of the Secretary who is in out-of-home placement and transitioning to adulthood. A non-minor dependent who makes such written request would be required to participate in specified activities that lead to independence. The bill would establish conditions for termination of the court's jurisdiction over such non-minor dependent.

The bill would also require the Secretary to provide reentry services to certain young adults who request such services without the need for court involvement. The bill would also establish participation requirements for receipt of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

reentry services and specify the conditions for termination of such services. The bill would also make technical amendments.

Several of the bill's provisions—allowing a non-minor dependent to request continuing jurisdiction by the court and completion of specified activities to maintain such jurisdiction, and allowing a non-minor to request that the Secretary provide reentry services— would expire on June 30, 2029, as explained below.

Reentry Services

The bill would require the Secretary to provide reentry services to an eligible young adult who makes a written request to the Secretary for such services. A young adult would be eligible for reentry services if such young adult:

- Has reached 18 years of age but not yet 21 years of age;
- Was previously in the custody of the Secretary and in an out-of-home placement on or after such young adult has reached 16 years of age; and
- Such out-of-home placement was not with such young adult's parents or at a juvenile detention facility or a juvenile correctional facility.

The bill would require the young adult receiving reentry services to participate in self-sufficiency planning, attend school or work, and make efforts towards independence as determined by the Secretary.

Under the bill, reentry services would terminate when the first of the following conditions occurs:

- The Secretary determines the young adult is not complying with the participation requirements for reentry services;
- The young adult voluntarily requests termination of services; or
- The young adult reaches 21 years of age.

This section on reentry services would expire on June 30, 2029.

Definitions

The bill would add “non-minor dependent” to the definitions in the CINC Code to mean an individual who is at least 18 years of age but less than 21 years of age and, except for the age requirement, meets the definition of a “child in need of care” under the Code.

Extension of Court Jurisdiction in Child in Need of Care Case

The bill would create exceptions to the termination of the court’s jurisdiction in a CINC case.

Court Jurisdiction Under Continuing Law

When a court acquires jurisdiction over a child in need of care under continuing law, the court’s jurisdiction may continue until the child:

- Becomes 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school. However, if there is no court-approved transition plan, jurisdiction may continue until a

transition plan is approved by the court or until the child:

- Reaches the age of 21;
- Has been adopted; or
- Has been discharged by the court.

Continuing law allows any child 18 years of age or older to make a written request to the court that the jurisdiction of the court cease. The court is required to notify all parties and interested parties of the child's request, and jurisdiction will cease 30 days after receipt of the request.

Exceptions to Termination of Court's Jurisdiction

Upon a written request to the court by a child in need of care, the bill would prohibit the court from issuing an order terminating jurisdiction over such child:

- Before June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school, and has not completed a high school education; or
- Who is a non-minor dependent in the custody of the Secretary while in out-of-home placement and is transitioning to adulthood.

This provision would expire on June 30, 2029.

Required participation. The bill would require a non-minor dependent who requests the court's continuing jurisdiction to participate in case planning, attend school or work and make efforts toward independence as determined by the Secretary, and receive Independent Living (IL) services from the IL program administered by the Secretary. If the non-minor dependent fails to comply with these participation requirements, the bill would allow the Secretary

to petition the court to terminate jurisdiction. This provision would expire on June 30, 2029.

Ending the court's jurisdiction. Under the bill, after a non-minor dependent either has been absent from placement for 30 calendar days or attains 21 years of age, the court's jurisdiction over the non-minor dependent would cease.

When it is no longer appropriate for a court to exercise jurisdiction over a child pursuant to the conditions previously noted allowing for or requiring continued jurisdiction, the bill would require the court to enter an order discharging the child upon a motion of the court or a party or an interested party at a hearing, or upon agreement of all parties or interested parties.

Background

The bill was introduced by Representative Thomas.

House Committee on Child Welfare and Foster Care

In the House Committee hearing on February 13, 2023, written-only **proponent** testimony was provided by a representative of the Department for Children and Families (DCF).

No other testimony was provided.

In the House Committee hearing on February 19, 2024, **proponent** testimony was provided by Representative Thomas and a representative of the Children's Alliance of Kansas, who generally testified the bill would provide at-risk young adults with supports to aid their transition to adulthood, giving them time to mature and develop important life skills. In response to questions from Committee members, both proponents expressed support for the amendment proposed by DCF that would require reentry services for eligible young adults previously in foster care who make a written request to the Secretary for such services.

Neutral testimony was provided by a representative of DCF, who stated the bill would allow young persons transitioning to adulthood, upon request to the court, to remain in DCF custody while receiving IL services and intensive supports and services to increase their chances of lifelong success. The representative proposed an amendment that would allow eligible young adults to request, in writing, reentry services from DCF and require DCF to provide such services without the need for court involvement, even if the young adults had previously chosen to leave the custody of the Secretary.

No other testimony was provided.

The House Committee amended the bill to allow the Secretary to provide reentry services to eligible young adults and to add a sunset on provisions concerning the ability of a non-minor dependent to continue and maintain a court's jurisdiction in the CINC case.

Fiscal Information

[*Note:* When the House Committee took action on the bill, a request was made for a further revised fiscal note that would reflect the reduced cost estimate noted by DCF. A subsequent revised fiscal note was not available when the supplemental note was prepared.]

According to the revised fiscal note prepared by the Division of the Budget during the 2023 Legislative Session on the bill, as introduced, DCF states, assuming 10 percent of eligible non-minor dependents would apply to re-enter custody of DCF, a re-entry program would require 1.0 FTE position in DCF administration to oversee the program, 1.0 FTE supervisor position for each of the six DCF regions, and 9.0 FTE positions distributed statewide according to caseload to handle anticipated re-entry cases, for a total of 16.0 FTE. The supervisors would also supervise any existing regional IL staff and support staff who would be dedicated to the re-entry

program. Additionally, DCF indicates the following would be required: non-minor dependent placement costs (room and board, food, utilities, and any other miscellaneous placement costs), a one-time update to the Case Management Placement System to record and track placement for re-entry cases, and the purchase of 40 additional licenses for the 16.0 FTE positions requested and existing positions that would be working with the re-entry program. In the fiscal note issued in 2023, DCF estimated the cost for FY 2024 at approximately \$7.5 million and approximately \$7.4 million for FY 2025.

Further, DCF indicates if the bill is intended to implement the federally recognized extended foster program, expenditures would increase in the IL program, as the IL ages served would extend from age 14 up to 21, to age 23, which would increase caseloads; however, the fiscal effect on expenditures of this change has not been determined. Federal Title IV-E Foster Care funds would not be available until the program was part of the Kansas IV-E State Plan. If the State Plan was amended to include an “extended foster care” program, federal funds of less than 10.0 percent may be available if approved.

The Office of Judicial Administration indicates the bill could have a fiscal effect on expenditures of the Judicial Branch. The bill would allow extensions of current CINC cases or possibly create new CINC cases. Nevertheless, until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

Any fiscal effect associated with enactment of the bill was not reflected in *The FY 2024 Governor’s Budget Report*. An updated fiscal note reflecting FY 2025 and FY 2026 estimated costs was not available when the House Committee heard the bill.

Revised Kansas Code for the Care of Children; non-minor dependent; child in need of care; court jurisdiction; child custody; Secretary for Children and Families