

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 134**

As Agreed to March 31, 2009

Brief*

SB 134 would limit the court's jurisdiction over a child in need of care and would amend current law regarding placement of a child taken into custody.

Jurisdiction

The bill would limit the court's jurisdiction over a child in need of care to the child's 18th birthday or June 1 of the school year during which the child turns 18 if the child is still in high school, unless there is no court approved transition plan. If there is no court approved transition plan, the court retains jurisdiction over the child until a transition plan is approved by the court or until the child's 21st birthday.

The bill would amend the definition of "transition plan" to add education and employment to the list of services to be provided in an individual case. It would further amend the definition of "transition plan" to clarify that it would specifically provide for the support and any services for which an adult with a disability would be eligible, including but not limited to, funding for home and community based services waivers.

Finally, the bill would authorize an 18 year old child in need of care to make a written request to the court to cease its jurisdiction, which would require the court to give notice to all parties and cease its jurisdiction 30 days after the request.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Placement

The bill would amend current law to authorize Social and Rehabilitation Services (SRS) custody for a child 15 years or younger, a 16 or 17 year old child if the child has no identifiable parental or family resources, or a 16 or 17 year old child if the child shows signs of physical, mental, emotional, or sexual abuse.

Conference Committee Action

The Conference Committee adopted the House amendments to the bill with the following changes:

- Delete the provisions in SB 134 relating to Kansas Supreme Court's authority to establish a surcharge of up to \$10 per fee for costs for non-judicial personnel (these provisions are added to SB 66);
- Add the provisions of SB 92 relating to limiting the court's jurisdiction over a child in need of care; and
- Add the provisions of SB 94 relating to amending current law regarding placement of a child taken into custody.

Background

Jurisdiction (formerly SB 92): The proponent of the bill, as introduced, who presented testimony at the Senate Committee hearing was Don Jordan, Secretary, Kansas Social and Rehabilitation Services.

The opponents of the bill, as introduced, who presented testimony at the Senate Committee hearing were Judge Kathleen Sloan, 10th Judicial District (Johnson); Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration; and Tom Laing, Interhab, Inc. Judge Sloan and Mr. Gleeson both testified that if the amendments proposed by Secretary Jordan in his written testimony were adopted by the

Committee, they could support the bill. After the hearing, Chairperson Owens asked the conferees to confer and return to the Committee with agreed upon amendments to the bill.

The Senate Committee on Judiciary amended the bill to adopt the amendments of the conferees. The amendments would:

- Amend the definition of “transition plan” to add education and employment to the list of services to be provided in an individual case;
- Further amend the definition of “transition plan” to clarify that it specifically provides for the support and any services for which an adult with a disability would be eligible, including but not limited to, funding for home and community based services waivers;
- Amend the current law to limit a court’s jurisdiction over a child in need of care to the child’s 18th birthday; or June 1 of the school year during which the child turns 18 if the child is still in high school; unless there is no court approved transition plan. If there is no court approved transition plan, the court retains jurisdiction over the child until a transition plan is approved or until the child’s 21st birthday; and
- Amend the bill to reinsert the provisions that is current law that authorizes an 18 year old child in need of care to make a written request to the court to cease its jurisdiction, which would require the court to give notice to all parties and cease its jurisdiction 30 days after the request.

According to the fiscal note on the bill, as introduced, this policy change is included as a recommendation in *The FY 2010 Governor’s Budget Report*. The young adults affected by this change will leave the custody of the Secretary of Social and Rehabilitation Services (SRS), but will continue to have access

to independent living services. Independent living services include:

- Basic supports for daily living, skills training, and career planning;
- Medical card eligibility until age 21;
- Kansas Regents Tuition Waiver Program;
- Up to \$3,500 in the first year for educational and training expenses;
- Monthly subsidy up to \$300 per month until age 21; and
- One-time start up costs of up to \$300 for rent or housing and \$500 for utilities, furniture and supplies.

SB 92 would be effective July 1, 2009, and would reduce the foster care average monthly caseload by 94 in FY 2010. SRS estimated savings that total \$1,687,876 including \$1,532,318 from the State General Fund. These savings are reflected in *The FY 2010 Governor's Budget Report*.

The Kansas Health Policy Authority states that these children, older than age 18, would become eligible for reduced Medicaid coverage under the program for young adults. The cost difference between those programs is \$273 each month. Therefore, SB 92 would decrease regular Medicaid assistance expenditures by \$307,944, including \$123,178 from the State General Fund, in FY 2010. These savings are not reflected in *The FY 2010 Governor's Budget Report*.

Placement (formerly SB 94): The proponent of the bill, as introduced, who presented testimony at the Senate Committee hearing was Don Jordan, Secretary, Social and Rehabilitation Services. He presented the Committee with an amendment that provides SRS custody for a 16 or 17 year old child if the child has no identifiable parental or family resources.

The opponents of the bill, as introduced, who presented testimony at the Senate Committee hearing were Judge

Kathleen Sloan, 10th Judicial District (Johnson); and Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration. Judge Sloan testified that if the amendment proposed by Secretary Jordan in his written testimony were adopted by the Committee, she could support the bill.

The Senate Committee on Judiciary amended the bill to add the provision that authorized SRS custody for a 16 or 17 year old child if the child has no identifiable parental or family resources.

According to the fiscal note on the bill, as introduced, this policy change is included as a recommendation in *The FY 2010 Governor's Budget Report*. The bill would end out-of-home services for youth whose actions are detrimental, but have not resulted from abuse or neglect. Foster care savings arising from this bill would be partially offset by an increase in services designed to support the youth and their family by addressing behavior and conflict. SRS and community providers would support these families with case management, family preservation, and family services. SB 94 would be effective July 1, 2009, and would affect an estimated 298 different youth and reduce the foster care average monthly caseload by 170 in FY 2010. No children in the custody of the Secretary on June 30, 2009, would be affected by this policy change. Total estimated savings in foster care in FY 2010 are \$3,056,199. The savings would be offset by an estimated \$494,430 of additional costs incurred in family preservation and family services. These savings are currently included in *The FY 2010 Governor's Budget Report*.

child in need of care