

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 92

As Amended by Senate Committee on
Judiciary

Brief*

SB 92, as amended, 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.

Background

The proponent of the bill, as introduced, who presented testimony at the Senate Committee hearing was Don Jordan, Secretary, Kansas Social and Rehabilitation Services.

*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>

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*.