



## Proponent Testimony on HB2021

### Senate Committee on Judiciary

March 8, 2023

Chair Warren, Vice Chair Wilborn, Ranking Member Corson, and Members of the Committee, my name is Steve Solomon, Director of Public Policy for TFI Family Services. Thank you for the opportunity to testify in support of HB2021. TFI is a private, not-for-profit agency providing a wide range of child welfare and behavioral health services throughout Kansas. Our mission is Devoted to the Strength of Family. TFI's current services include early intervention to maintain and strengthen families, foster care in both family and residential settings, adoption support, independent living services, aftercare, and case management services for youth and families in the child welfare system. In addition, our full range of behavioral health services include outpatient treatment and residential services via our Psychiatric Residential Treatment Facility (PRTF) and Qualified Residential Treatment Program (QRTP). TFI employs over 515 staff throughout the state of Kansas.

TFI has always served youth currently involved with the juvenile justice system through our foster homes, residential homes, family preservation and foster care services. After juvenile justice reform (SB367) passed in Kansas – when KDOC foster care and residential services began to be phased out – we experienced a marked increase in out-of-home placement referrals for youth with more severe criminogenic behaviors. Because the Kansas Child in Need of Care (CINC) code allows a child to be placed in DCF custody if that child is “without adequate parental care, control, or subsistence...” and there are no residential or foster care services targeted for those in KDOC custody, those youth are being referred for out of home placement through the CINC code. Youth are routinely placed in CINC foster care because of juvenile offender or criminogenic behaviors and, frequently, without having experienced juvenile justice services or interventions. It is common for youth to be referred for foster care services because of assaulting or injuring their caregivers, siblings, or peers. Juvenile justice reform resulted in youth whose behaviors are not severe enough to warrant detention, but who are not safe to remain at home without critical prevention services being placed into the foster care system.

The behaviors that the youth had which resulted in their removal from their caregivers home continue. The child welfare system then has the task of finding placements for very aggressive youth. To reflect the scope of types of offenses among these youth, the following profiles for 10 youth referred were exhibited during calendar 2022:



Pathway Family Services

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MAINSTREAM  
NONPROFIT  
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- 3 Assault
- 1 Criminal Threat to Kill Parents
- 1 Possession of marijuana
- 1 Disorderly Conduct for Fighting
- 1 Theft
- 1 Criminal use of a Financial Card
- 1 Arson
- 1 level one felony rape

At the time of referral, 6 of the 10 youth were in placed in detention, 2 were in Psychiatric Hospitalization, and 2 were removed from their parents' home. All were expected to be placed into a foster home or residential program with abused and neglected youth. 1 youth we have been unable to find a long-term placement for and is in a temporary foster home placement. 1 youth was in an Acute Hospital at time of referral in December 2022 with charges of Criminal Threat. Parents located a Mental Health facility for her in Florida, but court required her to remain in Kansas. She is placed in a Qualified Residential Treatment Program (QRTP). 3 are placed with relatives. The youth with the charge of rape remained in detention for the 11 months he was in custody. 2 youth who were siblings were placed with relatives/kinship for 4 months, then went to detention for 3 months before being reintegrated to parents. Another youth was placed in a foster home. The last of the ten is in a QRTP.

The lack of consequences these youth receive for their behavior before and after coming into CINC foster care results in more and more aggressive behaviors. Staff are often at risk of threat and harm by these youth. It is common for staff to be at risk of physical assault, being hit, kicked, assaulted with whatever objects are near at hand, or even having kids try to grab the steering wheel of a car while they are driving. Of the children and youth in out of home care, 28% of youth have been arrested or had contact with law enforcement for aggressive behaviors. Often nothing happens with those charges due to case length limits.

A young man I will call Sam is one who has experienced the impact of SB367. Sam is an 18-year-old who has had multiple criminal charges and no legal consequences. He came into foster care in 2018 while on probation with several criminal charges including stalking, battery, and battery of a school employee. Sam is a tall, large young man, who cannot be "made" do to anything he doesn't want to do. He is verbally and physically aggressive to other youth and adults. He cannot room share or be left alone with younger children. He cannot be placed with girls of any age. Sam was in a PRTF when we took over his care in 2019. His longest placement episodes were 485 days in a PRTF and 278 days in a foster home. Since October 2019, Sam has been placed in over 45 placements, including a relative placement, moving from placement repeatedly with behaviors resulting in multiple charges including criminal threat, multiple battery charges including stabbing a peer with a fork, punching, and breaking other youth's noses. He often destroys property both in placement and the agency's offices. He has sexualized behaviors towards agency and placement female staff. His most recent stable placement was an independent living placement which he was kicked out of after a girl in the facility accused him of rape. This allegation appears to have been determined by law enforcement to be unfounded. However, due to his behaviors and

physical size, we have been unable to find a long placement for Sam as he approached 18 years of age earlier this year. He had been alternating between two foster homes earlier this year, being dropped off late at night, and picked up early in the morning, and spending his day in the office. Locating services to address his mental health, emotional and physical needs is challenging when he has not been able to be in a stable placement. Earlier this year, after he turned 18, he threatened to stab staff with a hunting knife that he was holding. The team working with him were able to de-escalate the situation, and no one was harmed, but easily this could be a story about an employee being maimed or killed. Sam was released from DCF custody in January of this year with a plan to move in with a friend's family in another state. He has not graduated high school, he doesn't have a driver's license, and his family has turned their back on him. Because he has not experienced the consequences of his criminal charges, he doesn't seem to understand that as an adult, he will have a very different experience with law enforcement and the adult criminal system.

Youth who enter foster care as an alternative to juvenile justice are much more likely to experience failure to place, to experience placement disruption, to require higher levels of care, and to be placed in more restrictive residential or congregate care settings due to their levels of need. Due to increased moves and disruptions, it becomes more difficult to connect youth to consistent mental health services, keep them connected to siblings and close relationships, and maintain them in their home communities. The frequent moves and disruptions create additional traumatic impacts that may reinforce underlying maladaptive behaviors. We must consider the wellbeing of youth diverted from juvenile justice custody into foster care. Long-term success for these youth requires that we provide the intervention appropriate to their needs: targeted juvenile justice approaches. HB2021 will promote an interdisciplinary approach between DCF and KDOC to ensure that we address each youth's juvenile offender rehabilitation needs.

TFI believes that HB2021 will improve child safety, public safety, and child wellbeing.

- HB2021 removes inter-agency barriers to accessing services for children and youth by ensuring that all children, regardless of whether they are placed in foster care, receive juvenile offender services for which they might be eligible.
- HB2021 ensures that the data systems necessary to coordinate caring for youth and to support reviewing evidence-based programs will be developed and implemented. We need data systems that ensure we can coordinate care and communicate critical information related to child safety and wellbeing.
- Extended case length limits will support children accessing needed supports. Currently, simply enrolling in an intervention or treatment service can take weeks or longer – during which time case length time limits are ticking. HB2021 increases the likelihood that children will have adequate opportunity to receive and benefit from the interventions intended to improve their wellbeing. This improvement can either help a youth avoid foster care altogether or improve outcomes for a youth while in foster care.
- HB2021 expands the ability of nonprofit organizations to develop effective interventions for children and their families. Child welfare providers are now essential providers for the most challenging cohort of youth whose behaviors are not severe enough for detention, but who are also not safe at home without additional supports. HB2021 would ensure that local community

providers have access to critical funds intended and needed to support these youth and their families.

We ask you to support HB2021 to improve services and care for Kansas youth and families.

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