



**Proponent Testimony on HB2021
Senate Judiciary Committee
March 8, 2023**

Chair Warren, Vice Chair Wilborn, Ranking Member Corson, 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 HB2021.

Kansas child placing agencies, residential providers, and family preservation and foster care prevention providers have always served children, youth, and families who have touched or are currently involved with the juvenile justice system. As you know, the child welfare system was heavily impacted by a bill passed in 2016, SB367, which promised community-based solutions as an alternative to detention for youth with delinquency behaviors. SB367 was implemented in phases to secure and redirect funds saved from detention services toward community-based services for youth. SB367 also contemplated that the Kansas Department of Corrections (KDOC) would maintain some residential beds for the highest risk populations of offenders that could be diverted from detention.

“[C]ommunity-based programs and services promised by the reform have yet to materialize, leaving the juvenile court system in many jurisdictions without the continuum of services they believe it needs.” - “An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas,” National Juvenile Defender Center, 2020 report

After juvenile justice reform (SB367) passed in Kansas – when KDOC foster care and residential services began to be phased out – child welfare providers experienced a marked increase in out-of-home placement referrals for youth with more severe criminogenic behaviors. While juvenile justice reform closed the door for foster care and residential care in KDOC custody, 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...” Today, it is routine for a youth to be placed in CINC foster care directly because of juvenile offender or criminogenic behaviors and, frequently, without having experienced juvenile justice services or interventions. Most often, youth are referred to child welfare when caregivers, siblings, or peers have been assaulted or injured and fear for their safety. Juvenile justice reform moved youth whose behaviors are not severe enough to warrant detention, but who are not safe to remain at home without critical prevention services, into the foster care system.

“[C]ourts were using the CINC (Child in Need of Care) system to order placement for youth charged as juvenile offenders who were no longer eligible for detention.” *An Assessment of Access to and Quality of Juvenile Defense Counsel in Kansas*, National Juvenile Defender Center, 2020 report

When a youth enters foster care with behaviors that place that child and others at risk – whether with substance use disorders, sexual behavior problems, physical aggression, running away, or gang involvement – the consequences of that child’s behaviors also enter the foster care system. Placement in foster care does not inherently extinguish a child’s juvenile offender behaviors, especially if those behaviors are rooted in a long-term trauma response. From a child welfare perspective, we appreciate that HB2021 recognizes the need for both DCF and KDOC to work together to address the juvenile offender-related treatment needs of children and families, regardless of custody or placement. Children who are engaging in high-risk behaviors or placing others at risk, as well as their families, deserve to receive needed help to reduce these behaviors. Ensuring children receive effective juvenile justice interventions requires the support of local juvenile justice experts and services to ensure the safety of both children and the public.

“It is a positive effect to have the children outside of a detention center, but it is unsafe to have no place for this group of youth to have their chronic or acute problems addressed.”
– Timothy Phelps, Juvenile Corrections Advisory Board

Children 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, or to be placed in more restrictive residential or congregate care settings due to their levels of need. When these youth experience such moves and disruptions, it becomes more difficult to connect them to mental health services, keep them connected to siblings and close relationships, and maintain them in their home communities. These difficult circumstances create added traumatic impacts that can actually reinforce underlying maladaptive behaviors. While a big success of SB367 for many youth – based on reported data – is not getting pulled further into the juvenile justice system, we must look at 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.

“Foster care [is not] an appropriate alternative due to a high rate of placement breakdowns that increase the risk of various negative outcomes.” Astrom et al., *Treatment Foster Care Oregon for Delinquent Adolescents: A Systematic Review and Meta-Analysis*, 2019

Within the context of these challenges in our juvenile justice system, HB2021 serves as a strong step forward to improving 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. It has been five years – 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 now receiving referrals to care for these children, the ability to develop effective interventions for children and their families. Kansas has funds set aside and available today, intended to serve the needs of these children. HB2021 can help ensure that funds intended to support these youth and their families can reach them in their communities and in foster care.

We ask that you support HB2021 to improve care and services for children and families in Kansas.

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Members of the Children's Alliance of Kansas:

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