

DCF LEGISLATIVE TESTIMONY



November 3, 2021

TESTIMONY OF

Tanya Keys, Deputy Secretary
Department for Children and Families

TESTIMONY ON

Overview of Best Interest Staffing (BIS)

Chair

Senator Hilderbrand

Vice Chair

Representative Concannon

Ranking Minority Member

Senator Faust-Goudeau

and

Members of the Committee

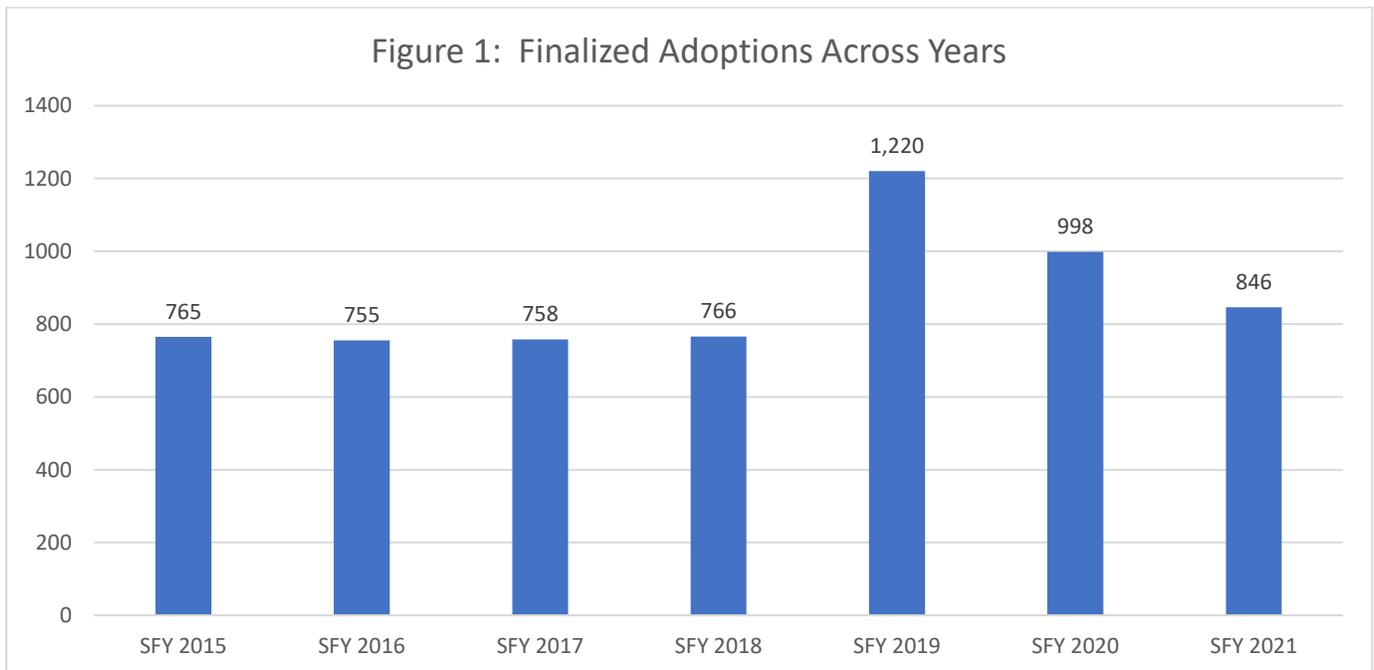
Introduction

Chair Hilderbrand and Members of the Committee, thank you for allowing me the opportunity to provide information on the process of best interest staffing for children in foster care whose permanency goal is adoption.

Title

When a child comes into the custody of the Secretary of the Department for Children and Families, Child Welfare Case Management Providers work with the child, family and the family's network of supports to resolve worries about safety so the child can return home. Most children and youth in care return home (57%, SFY21). When it is not possible for a child to go back to the family, parental rights may be terminated by the court or voluntarily relinquished. At that point the child is available for adoption. Once all reunification efforts have been exhausted, often relative and foster families are approached about adoption of the child/youth in their care.

Adoptions increased in SFY2019 averaging just over 1,000 annually the past 3 years. The average age of a child at the time of the finalized adoption is 7 years with two-thirds of children adopted age 8 or younger (65%). The average length of time in care is 40 months and over half of children (56%) are adopted as part of a sibling group. Practice enhancements such as rapid permanency review tools, addition of non-case carrying adoption accelerator positions within the case management providers and development of the BIS waiver exception process have supported efficiencies in processes.



Adoption Process for Prospective Adoptive Parents

Nearly all adoptions are finalized with a relative or foster parent and in SFY 21, 57% were with a foster family (Table 1 and Figure 2.) For prospective adoptive parents who are the current placement provider for the child to be adopted, their child placing agency family worker assists them in completing the necessary items to proceed with an adoption including preparation of the best interest staffing packet of information. These tasks include completion of or updates to their home study, background checks and gathering supporting documents needed.

Figure 2: Adoptive Parent Relationship, SFY2021

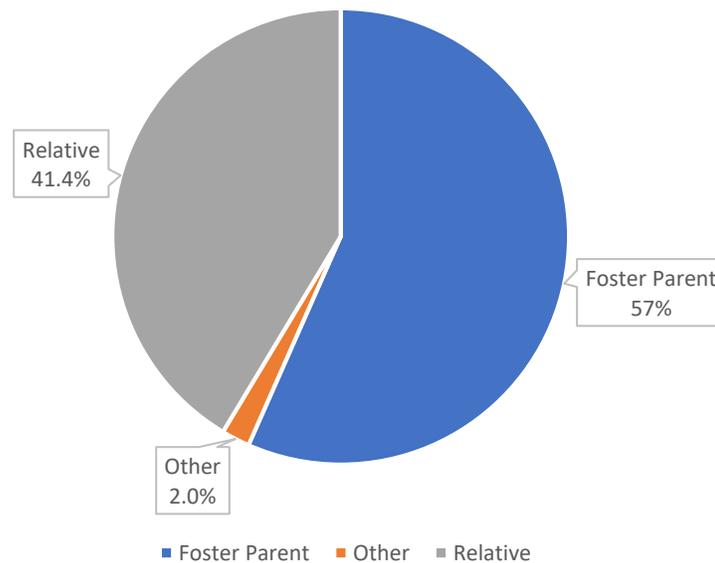


Table 1: Adoptive Parent Relationship SFY 21

Age in Years	Family Foster #	%	Other #	%	Relative #	%	Total
0-3	134	63%	0	0%	80	37%	214
4-7	149	54%	2	1%	123	45%	274
8-11	101	52%	11	6%	82	42%	194
12-16	88	58%	4	3%	59	39%	151
>16	7	54%	0	0%	6	46%	13
Total Adoptions	479	57%	17	2%	350	41%	846

Once the child is legally free for adoption and a prospective adoptive parent is identified, a Best Interest Staffing (BIS) is considered for scheduling to select the adoptive family that can best meet the needs of the child. A formal convening of a Best Interest Staffing may be waived for a child legally free for adoption in certain conditions:

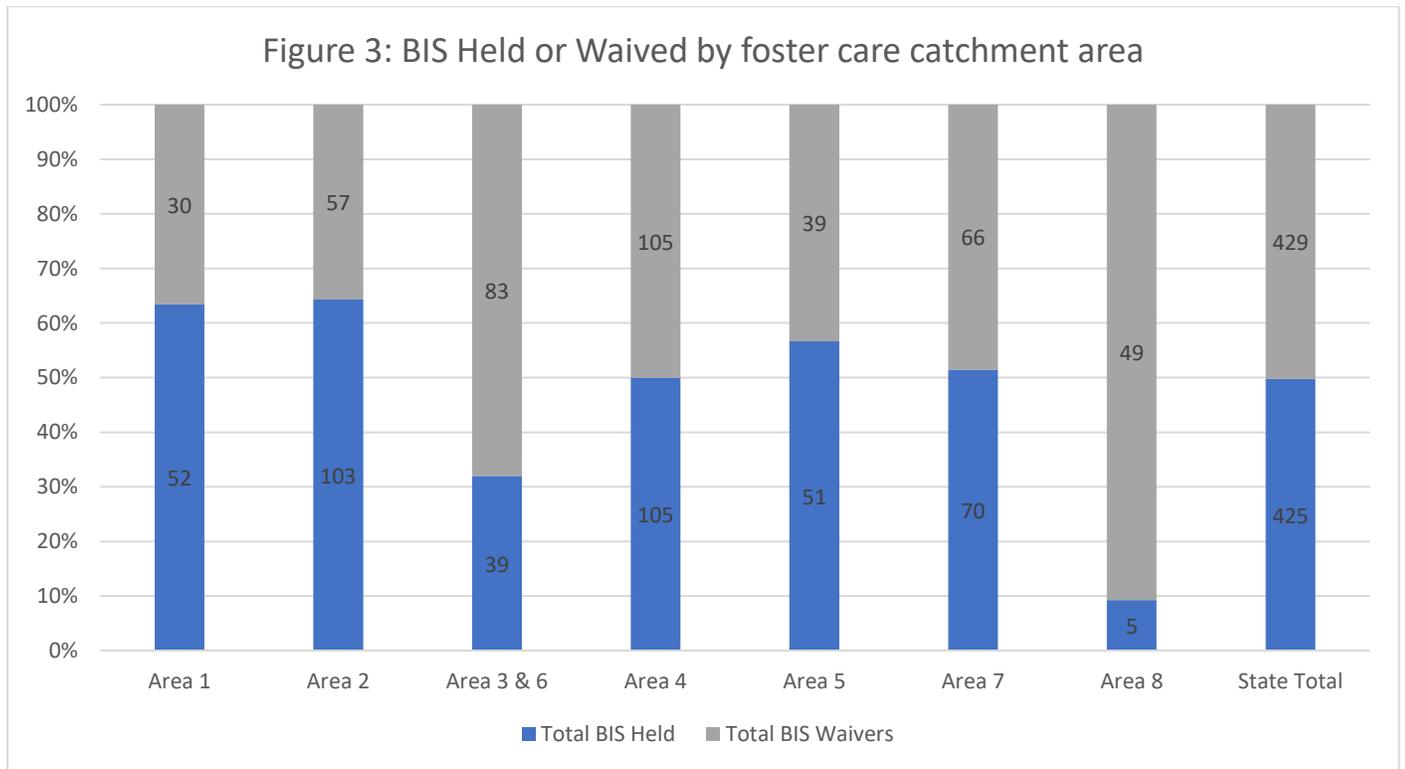
1. There is one potential identified adoptive family or individual who is a relative, non-related kin or foster family, and;
2. If the child is not placed with a relative, concerted efforts to identify, locate and evaluate maternal and paternal relatives as adoptive families have been documented, and all are ruled out;
3. The child has been placed with that one identified family or individual for a minimum of 6 consecutive months with no disruptions.

If these attributes reflect the child's circumstances, it is allowed per policy for the case management provider to send notice and information such as a child's social history and the family's Assessment and Preparation Study to required BIS participants to request they provide any objection to waiving the BIS within seven (7) days of that notice. If any participant objects, a formal BIS is scheduled. If no objection, the path to adoption proceeds.

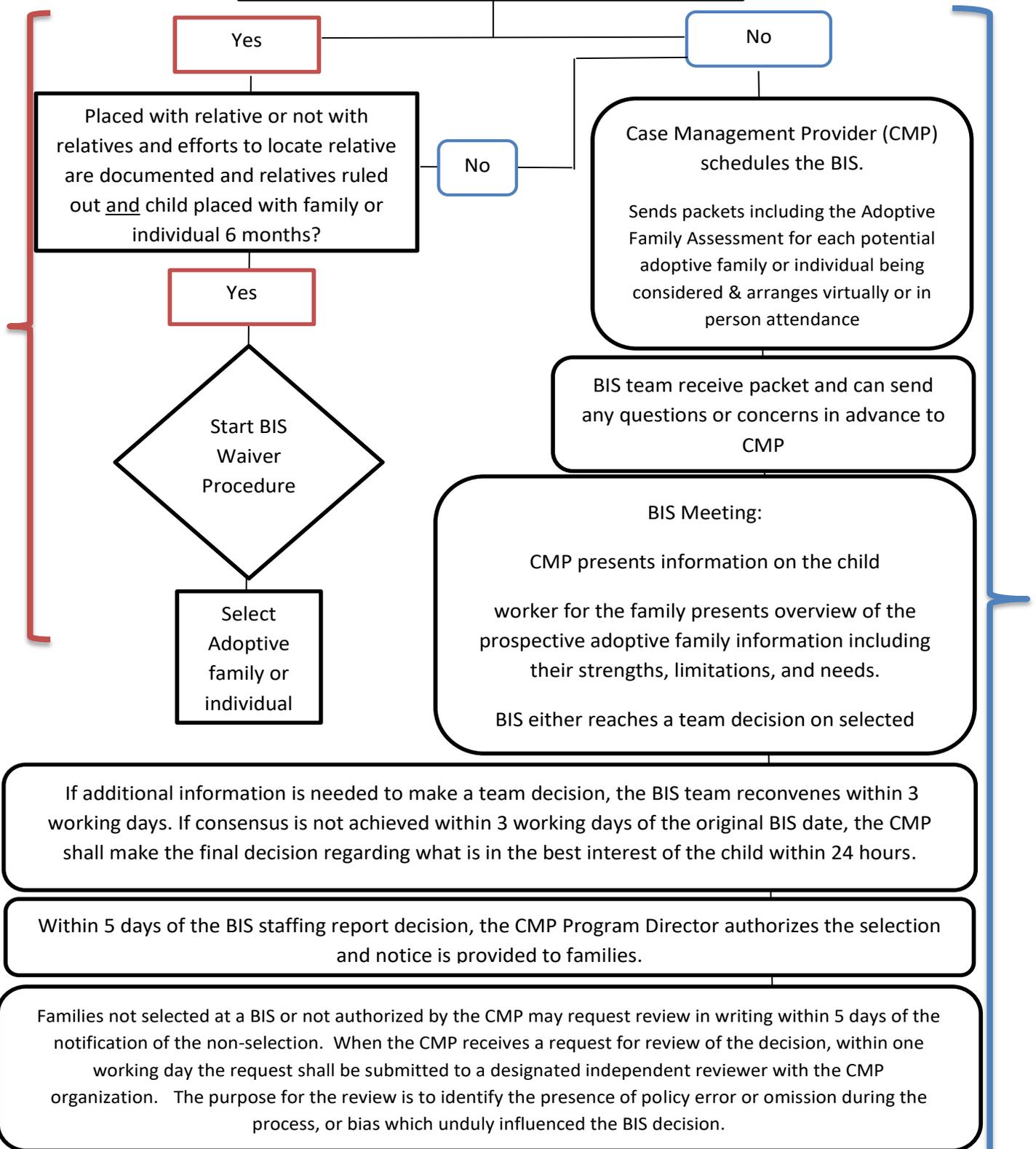
In absence of a waiver, a BIS is arranged, and the case manager sends packets including the Adoptive Family Assessment for each potential adoptive family or individual being considered to participants who are part of the child's planning team. Participants include youth age 14 and older, the child's current and former Case Manager/Support Worker, Guardian ad litem; therapist or service provider; Court Appointed Special Advocate (CASA), Court Services Officer, other supports such as teachers or coaches, etc. Information on each prospective family is presented and considered and a consensus reached on the family who can best meet the child's needs. DCF policy was updated in October 2019 to reflect the consensus process of selection by the child's support network. The attachment at the close of this testimony illustrates the BIS workflow.

Within 5 days of the BIS decision, notice of the decision is sent to the families. Families not selected at a BIS may request a BIS decision review in writing within 5 days of the notification of the non-selection. A designated independent reviewer within the case management organization completes the review. The purpose for the review is to identify the presence of policy error or omission during the process, or bias which unduly influenced the BIS decision. The independent reviewer shall have no connection and no conflict of interest regarding the family or child and shall demonstrate competencies in adoption and BIS staffing policy. There were 21 review requests in SFY2019 and 27 in SFY2020. Detailed information for 854 BIS in SFY 2021 is in Table 2 and Figure 3.

Table 2: BIS Related Activity SFY21	BIS Considered and Waived	BIS Considered and Held	(Of BIS held) BIS Reviews Requested
Area 1 (SFM)	30	52	2
Area 2 (SFM)	57	103	9
Area 3 NE & 6 JO/DG (KVC)	83	39	0
Area 4 SE (TFI)	105	105	1
Area 5 KC (CoC)	39	51	0
Area 7 Sg Co. (SFM)	66	70	3
Area 8 Surrounding Wichita (TFI)	49	5	0
State	429 (50.2%)	425 (49.8%)	15



Attachment BIS Flowchart
 Child is Legally Free for Adoption]
 Is There Only 1 Potential Adopter?



Child Age 14 and older;
Child's current and former Case Manager/Support Worker;
Child's Guardian ad litem (GAL);
Child's therapist;
Court Appointed Special Advocate (CASA), if applicable;
Court Services Officer, if applicable;
Current child's placement provider, unless there is a conflict of interest, e.g. they are one of the families being considered;
DCF Foster Care Liaison;
Indian Child Welfare Act (ICWA) tribal representative for the affiliated tribe, if applicable;
Other relevant service providers (medical, mentor, etc.);
Relatives and positive adult connections;
Supervisors assigned;
Teacher or other adult (coach, scout leader, youth pastor etc.);
Worker for each family being considered.

All participants are BIS Team members and receive Best Interest Staffing Brochure.

http://www.dcf.ks.gov/services/PPS/Documents/PPM_Forms/Appendices/Appendix_5S.pdf

The BIS team considers the ability of the prospective legal adoptive family or individual to meet the needs and temperament of the child currently and over time;
understand the current and future impact on their family of adopting this child recognize and advocate for the needs/interests of the child understand and support the child through loss and grieving issues
recognize adoption is a life-long commitment with many unknown challenges provide the child with a safe and secure environment;
provide unconditional love and acceptance of the child;
accept and incorporate the child's emotional, physical, social, educational, and developmental needs into the family;
demonstrate application of knowledge of the effects of deprivation, abuse and neglect on a child and the potential impact on the child's behavior;
encourage the child(ren) to develop at his/her own rate to reach his/her maximum potential;
accept and support the child's background, culture, ethnicity, heritage, race, medical and mental health needs, and genetic and social history;
help the child to learn and accept his/her background understand the importance of planning and facilitating child/children's future contact with siblings and/or other family members as deemed appropriate;
manage their financial resources.
Discussion shall include the impact of separation, loss, attachment, and subsequent reattachments for the child. Discussion shall include the impact of the child on the prospective adoptive family and their children.