

DCF LEGISLATIVE TESTIMONY



November 3, 2021

TESTIMONY OF

Deputy Secretary Tanya Keys
Department for Children and Families

TESTIMONY ON

Entry into Foster Care and Update on Senate Bill 77

Chair

Senator Hilderbrand

Vice Chair

Representative Concannon

and

Members of the Committee

Introduction

Chair Hilderbrand and members of the committee, thank you for the opportunity to provide information on removal reasons for children separated from their families into foster care. Most of the testimony today addresses reasons for entering foster care and at the close of testimony is information requested regarding implementation of K.S.A. 38-2290, Child with sexual behavior problems; referral to mental health provider; additional services.

Background:

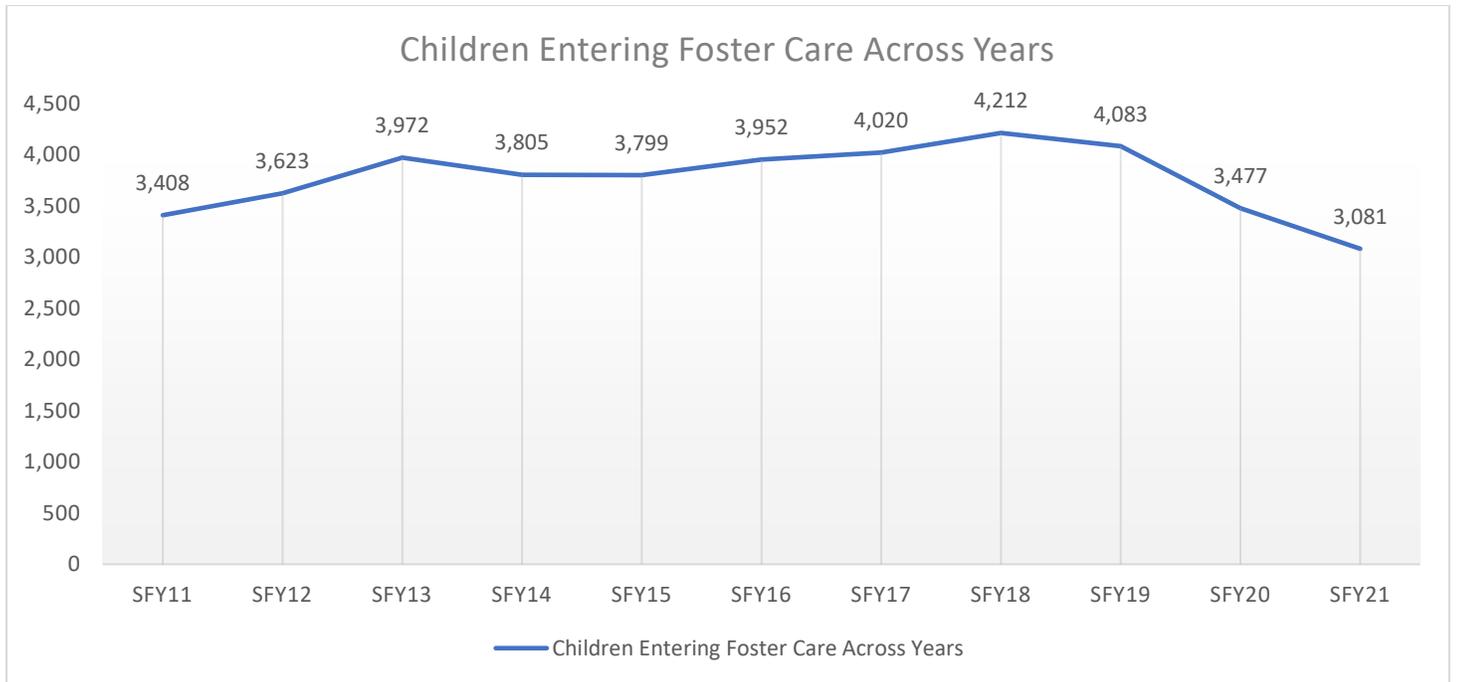
Statutory framework regarding presenting situations related to filings of petitions or ex parte protective custody orders is contained with K.S.A 38-2202 (d) definitions and K.S.A 38-2242 application and procedures. Law enforcement officers, court services officers may take a child into protective custody or the courts may order protective custody. These procedures are set forth in K.S.A 38-2231-32 that law enforcement or court services may take a child into custody without a court order when there is belief the child will be harmed if not immediately removed from the place or residence where the child is found. K.S.A 38-2233 sets forth the court decides custody when the Secretary for The Department for Children and Families or any other person completes and application for petition alleging a child in need of care.

When DCF assigns a report for further assessment or investigation a set of activities is completed engaging the family and collateral or network contacts through interviews, visual observations and other means to determine immediate safety and any supports and services needed to sustain lasting safety based on the family's situation. A family may come to the attention of DCF for several reasons. During the DCF assessment, families may begin at any time a school based or community service or DCF service such as home visiting programs, family preservation or other programs through family first prevention supports.

Reasons for Removing a Child into Foster Care:

Depending on the needs of the family and what type of service is accessed, DCF may continue to have services open or may close the assessment. When there is concern that a child may need to leave home due to safety concerns, a Team Decision Making (TDM) meeting is convened focusing on whether a child must leave home due to safety concerns. Families are invited to a TDM meeting to assist in making the best possible decisions about where a child can safely live. Youth are also invited to participate in their own meetings, and younger children's voices must be 'heard' in every meeting. Families are encouraged to invite extended family, friends, spiritual leaders and other supporters to the meeting and providers and others in the family's network may be invited. There are times when the safest decision for a child is protective custody removal into foster care. Data in Table 1 shows the number of children removed into care SFY 2011 – 2021 and future tables provide information on reasons for removal.

Table 1.



Reasons for entering foster care are related to Kansas Child In Need of Care definitions and all states are required to record those reasons for removal into the DCF child welfare information system FACTS using federal categorical definitions set forth in Adoption and Foster Care Analysis Reporting System (AFCARS). Children may be removed into care for more than one reason. States may capture up to 15 reasons related to a child entering care and the first reason captured is the primary contributing reason for entering care. Information in this testimony captures the primary reason for entering care and most children entering care in Kansas have three or fewer reasons related to their entry into foster care.

Highlights in SFY21 considering all possible reasons for removal:

- 76% of all children removed were for reasons of abuse or neglect and 24% were for reasons related to a family in need of assessment which are not abuse or neglect.
- The most frequent reason for removal is related to neglect reasons (35%): Lack of supervision, 20%; physical neglect 12%; medical neglect 2%; and educational neglect 1%.
- 9% of children enter care related to a parent's inability to cope with circumstances of their situation to meet the child's needs that is not neglect.
- Across these reasons for removal, there were few differences between SFY20 and 21 with exception to lack of supervision, which increased from 15% in SFY20 to 20% in SFY21

Table 2: SFY21 Removal Reasons for children between 7/1/20-6/30/21

Abuse/Neglect or Family in Need of Assessment (FINA)	Primary Removal Reason	Total	% of Total
Abuse/Neglect	Abandonment	150	5%
Abuse/Neglect	Educational Neglect	22	1%
Abuse/Neglect	Emotional Abuse	277	9%
Abuse/Neglect	Failure to Thrive	0	0%
Abuse/Neglect	Human Trafficking- Labor	1	0%
Abuse/Neglect	Human Trafficking-Sex	3	0%
Abuse/Neglect	Lack of Supervision	609	20%
Abuse/Neglect	Medical Neglect	65	2%
Abuse/Neglect	Physical Abuse	528	17%
Abuse/Neglect	Physical Neglect	372	12%
Abuse/Neglect	Sexual Abuse	179	6%
Abuse/Neglect	Substance Affection Infant	84	3%
FINA	Alcohol Abuse Child	1	0%
FINA	Alcohol Abuse Parent	8	0%
FINA	Caretakers Inability to Cope	277	9%
FINA	Child's Behavior Problem	142	5%
FINA	Child's Disability	2	0%
FINA	Death of Parent	12	0%
FINA	Drug Abuse Child	9	0%
FINA	Drug Abuse Parent	103	3%
FINA	Inadequate Housing	5	0%
FINA	Incarceration of Parent(s)	24	1%
FINA	Infant Positive for Substances	46	1%
FINA	Methamphetamine Use	94	3%
FINA	Parent Opioid Use	3	0%
FINA	Parent-Child Conflict	0	0%
FINA	Relinquishment	0	0%
FINA	Runaway	42	1%
FINA	Truancy	23	1%
Total Number of Children Removed		3081	100%

Drilling down a bit more within the common primary reasons for entering care, there are some differences between age and region around entering care. Regions and providers use this data to help understand where resources might be needed for childcare supports, prevention, school based or community partner engagement in prevention and collective impact.

- Over one-third of children separated from their families in these core primary reasons are age 4 years or younger (Table 3 and Figure 1.)
- Over 40% of children removed for lack of supervision and caregiver inability to cope are age 4 or younger.
- More than one half of children removed for children behavior problems are age 15 or older.
- Among Regions (Table 4)
 - The percentage of children removed for physical abuse and neglect are even across regions.
 - The southeast region has the greatest percentage of children in a region removed for reason of lack of supervision at 29% compared to statewide 20% (n=119 children.)
 - The Kansas City Region has the greatest percentage of children in a region removed for caregiver inability to cope at 13% compared to the statewide 10% (n=75 children.)

Table 3: Primary Removal Reason for Age Group	Age 0-4	Age 5-9	Age 10-14	Age 15 or older	Total
Caretakers Inability to Cope	43%	25%	16%	16%	100%
Child's Behavior Problem	1%	4%	42%	53%	100%
Emotional Abuse	25%	26%	30%	19%	100%
Lack of Supervision	44%	26%	20%	11%	100%
Physical Abuse	34%	27%	27%	12%	100%
Physical Neglect	48%	26%	22%	5%	100%
Grand Total	37%	25%	24%	14%	100%

Figure 1: SFY21 Age At Removal for Top Removal Reasons

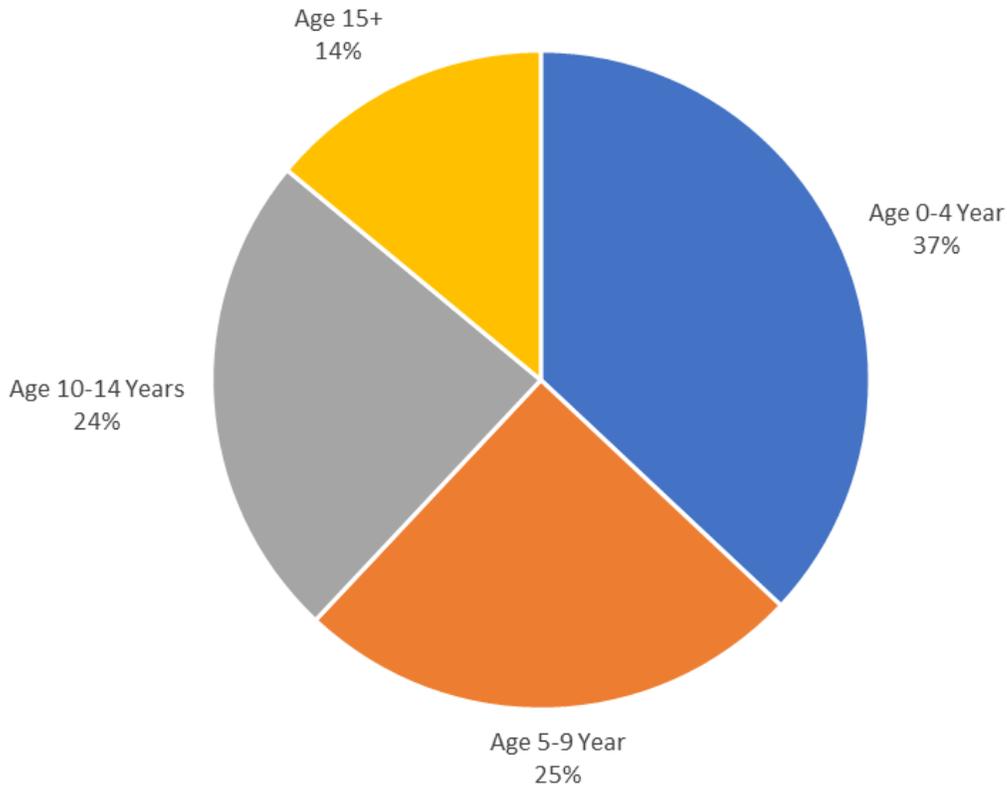
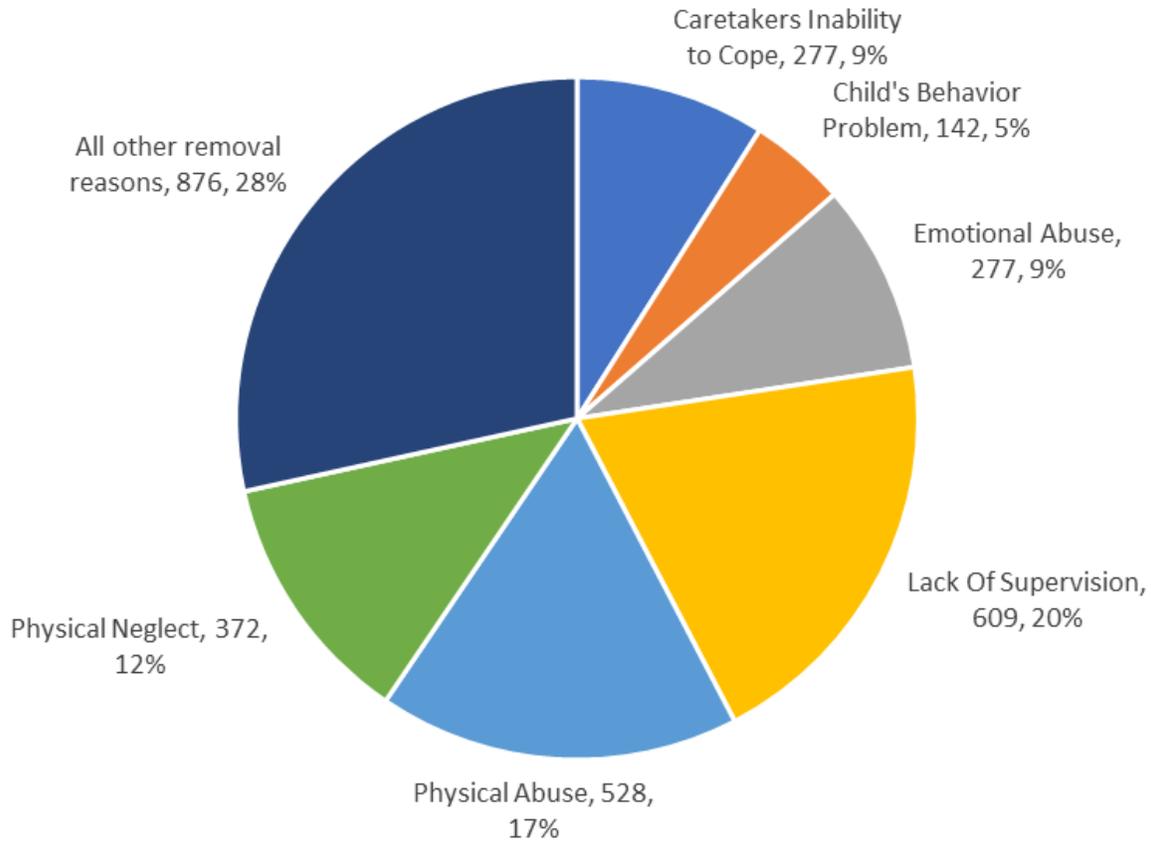


Table 4 Children Removal SFY 21 by DCF Region

Children primary removal reasons	Kansas City	Northeast	Northwest	Southeast	Southwest	Wichita	State	Reason as %
Caretakers Inability to Cope	74	17	40	27	30	89	277	9%
Child's Behavior Problem	31	10	35	13	24	29	142	5%
Emotional Abuse	68	33	46	39	46	45	277	9%
Lack of Supervision	74	100	63	119	143	110	609	20%
Physical Abuse	91	70	53	72	104	138	528	17%
Physical Neglect	47	66	52	53	75	79	372	12%
All other removal reasons	171	108	103	91	126	277	876	28%
Total Children	556	404	392	414	548	767	3081	100%

Figure 2: Statewide Children Removed SFY21



In Reviewing more detail about SFY 21 Child Behavior Problem as primary removal reason:

- Northwest and Kansas City regions both had more than 30 children removed into care for reason of child behavior problem.

Table 5: DCF Region	Female	Male	SFY 21 Total Children Removed for Child Behavior Problem
Kansas City	13	18	31
Northeast	3	7	10
Northwest	13	22	35
Southeast	6	7	13
Southwest	11	13	24
Wichita	15	14	29
State	61	81	142

Regarding General Demographics or contributing factors related to children removed:

- Black children are overrepresented in the number of children removed into care in FY21.
- In SFY21, 13% of children removed into foster care self-reported Mexican ethnicity.

Table 6: Statewide Race of Children removed into foster care SFY21

American Indian	1%
Asian	0%
Black	17%
Caucasian	82%
Native Hawaiian/Pacific Islander	0%
Unable to Determine	0%
Total	100%

Table 7: Statewide Spanish Culture Heritage

Central or South American	0%
Mexican	13%
Non-Hispanic	84%
Other Spanish Cultural Origin	1%
Puerto Rican	0%
Unknown	2%
Grand Total	100%

Finally, we wish to note for the committee anticipated or emerging proposed amendments in the Child Abuse Prevention Treatment Reauthorization Act of 2021 (CAPTA) with proposed changes for states to incorporate into their state plans, statutory or policy governance. CAPTA is primary federal guidance and funding allocation for states in core child abuse prevention support, reporting and response programs. Proposed amendments include requirements for states to

- Actively and safely reduce the numbers of families unnecessarily investigated by the state’s child protective services system solely on the basis of poverty or housing status.
- Enhance systems coordination and establish or promote alternative pathways (such as a KCSL’s warm line 1-800-Children) to connect families in need to community-based supports to minimize involvement with child protective services.

Several of Act’s proposed amendments focus on the need to distinguish economic insecurities or adversity from neglect and the need to bridge families early to meaningful resources without unnecessary investigation. The relationship of the Act’s proposed reauthorization to this testimony is to highlight a possible need or opportunity for legislative or judicial council review of the CINC code definitions for alignment with proposed federal guidance. Any such review may impact adjustments to reasons for removal into foster care. DCF is part of the state’s cross agency collaborative participating in the national workgroup Thriving Families, Safer Children facilitated by Prevent Child Abuse America and family wellbeing foundations and is happy to keep the committee and others updated if or as proposed amendments in the reauthorization are enacted.

Thank you for the opportunity to share information on the reasons that children are removed into foster care. Information on children removed into care is also available by county and several reports are available on the DCF public website.

K.S.A. 38-2290

In addition to the information on removal reason, DCF wishes in this testimony to provide updates on implementation of K.S.A. 38-2290, Child with sexual behavior problems; referral to mental health provider; additional services. DCF established within policy and procedure Section 2090 for implementation of K.S.A. 38-2290 including development of a new form PPS 2014 B: Referral for Services Child Sexual Behavioral Problems that is sent to a local child advocacy center or other mental health provider.

In communities with child advocacy centers, DCF collaborates with CACs and law enforcement on a variety of physical and sexual abuse forensic interviewing protocols including the addition of children with sexual behavior problems in 2020. DCF appreciates the specific treatment programs for families of children with problematic sexual behaviors implemented by Sunflower House and other CACs. Their prevention and collaborative training resource networks support families and professionals statewide in response alongside families.

Statewide SFY20-21, there were 1,462 reports assigned by DCF with an alleged perpetrator under the age of 18 for reason of sexual abuse related to KSA 38-2290 youth with sexual behavior problems. Of those 1,462 reports assigned SFY 20-SFY21, 202 reports resulted in a finding of Substantiated or Affirmed for sexual abuse by a perpetrator under the age of 18 years old. The 1,462 reports assigned for response to sexual abuse by an alleged perpetrator under 18 (youth with sexual behavior problems) is about 1.9% of the 76,203 total assigned reports statewide SFY20-21.

DCF has not implemented an internal quality assurance case review process to verify referrals were sent to a CAC or other mental health provider using the PPS 2014B form below. We know from service data that 260 of the 1,462 families were already referred to and receiving a mental health service through family first, family prevention or community-based provider for a child in foster care at the time of the report. Data reflects an additional 130 families were referred to a mental health or child advocacy center after the report was received. We realize there is discrepancy in the number of reports and families with a referral indicated in the information systems, thus further review is needed. We will begin a concentrated case review this November of a statewide sample of about 150 reports to understand referral and data entry practice of referral types in field offices to inform improvements so that we know each family is referred to a CAC or mental health provider.