



# DCF Legislative Testimony

January 31, 2024

**TESTIMONY OF:** Deputy Secretary Tanya Keys Department for Children and Families

**TESTIMONY ON:** DCF HB 2580

## DCF | HB 2580 / CINC MENTAL HEALTH ASSESSMENT

Chair **Concannon** and members of the committee. Thank you for the opportunity to provide testimony in support of HB2580: Including mental, emotional, and behavioral health treatment to medical services that may be provided to child alleged or adjudicated to be a child in need of care.

This bill, as written, serves as a technical amendment to clarify the Secretary's authority to access mental, emotional, and behavioral health care screenings and treatment prior to adjudication in a Child in Need of Care (CINC) case. The bill brings the statute and the care received by youth experiencing a need for foster care into alignment.

K.S.A 38-2217 authorizes the Secretary and her designee(s) to access medical and other services for youth in DCF custody. Separate sections govern pre and post adjudication stages of the Child in Need of Care Case and provide the authority to consent to the release of protected health information. During the pre-adjudication stage the statute does not currently include consent to mental, emotional, or behavioral health care. After adjudication has occurred, "mental care and treatment" is included in the services that the Secretary or designees may consent to. Adjudication timelines in a CINC case vary by Court but typically occur 60 or more days from the time a child is placed in the custody of the Secretary. In cases where an informal supervision order is entered an adjudication hearing would not be held.

To best meet the needs of youth in foster care, it is important that youth receive mental, emotional, and behavioral health care when the need arises regardless of adjudication status. DCF policy requires that, when parental rights are intact, parental permission for health care (including mental health care) shall be sought. Child Welfare Case Management Providers (CWCMPs) currently discuss mental health services and seek consent from families during the initial family meeting, a practice that will continue.

Timely access to mental, emotional, and behavioral health services increases placement stability, timely permanency, and other outcomes for youth in Kansas. This amendment benefits children and youth experiencing a need for foster care by aligning statute and practice. Currently, if a child experienced an emergent need for mental, emotional, or behavioral health services pre adjudication, and a parent could not be reached or had not provided consent at the time of the initial family meeting, a court order is needed to access mental health services until adjudication occurs.

As written this bill has no fiscal impact to the agency.

Thank you again for the opportunity to introduce and provide testimony on HB 2580.