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Cc: [Daniel East](#); ["Dee Nighswonger \[DCF\]"](#); [Denise Peters](#); [Forshee, Flora](#); [Gibbs, Nicole](#); [Joseph Sullivan](#); [Peterman, Kristin](#); [Marie McNeal](#); [Paul Duff](#); [Stonehouse, Steven](#); [Westbrook, Shantel](#); [Wilson, Jennifer C.](#)
Subject: HB2194
Date: Monday, February 27, 2023 1:19:12 PM
Attachments: [hb2194_00_0000.pdf](#)
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Task Force members,

FYI, I know some of you are following legislative activities closely, and perhaps others not as much.

Regarding the foster parents’ and foster children’s bill of rights legislation, known as the Representative Gail Finney memorial foster care bill of rights, while not resolved, does remain alive for the duration of this legislative session.

Date	Chamber	Status	AR	JPN
Wed, Feb 22, 2023	House	Withdrawn from Calendar; Referred to Committee on Appropriations		307
Tue, Feb 7, 2023	House	Committee Report recommending bill be passed by Committee on Child Welfare and Foster Care		166
Mon, Jan 30, 2023	House	Hearing: Monday, January 30, 2023, 1:30 PM Room 152-S		
Thu, Jan 26, 2023	House	Referred to Committee on Child Welfare and Foster Care		129
Thu, Jan 26, 2023	House	Introduced		123

There were another 16 or so other juvenile issues House and Senate bills related to juvenile justice, child welfare and foster care, education, judiciary and public health and welfare, to include:

- HB2021 - AN ACT concerning children and minors; relating to risk and needs assessment for certain children in need of care; allowing for overall case length limit extensions for certain juvenile offenders; requiring the department of corrections to create juvenile justice data systems; increasing use of evidence-based programs account money; authorizing detention sanctions for probation violations; increasing the cumulative detention cap.
- HB2033 - AN ACT concerning children and minors; relating to children in need of care; juvenile crisis intervention centers; changing the criteria used to refer and admit juveniles; defining behavioral health crisis
- HB2073 - AN ACT concerning children and minors; relating to juvenile offenders; the revised Kansas juvenile justice code; prohibiting fines, fees and costs from being assessed against a juvenile or a juvenile's parent, guardian or custodian
- HB2115 - AN ACT concerning the revised Kansas juvenile justice code; prohibiting the use of restraints during hearings; authorizing exceptions if the court holds a hearing and makes certain findings on the record; defining hearing under the code
- SB181 - AN ACT concerning children and minors; relating to cities and counties; establishing city and county child death review boards; permitting and requiring disclosure of records

HOUSE BILL No. 2194

By Committee on Child Welfare and Foster Care

1-26

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; enacting the Representative Gail Finney
3 memorial foster care bill of rights; establishing certain rights for
4 children in need of care and foster parents.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) This section shall be known and may be cited as the
8 Representative Gail Finney memorial foster care bill of rights.

9 (b) Consistent with the policy of the state expressed in K.S.A. 38-
10 2201 et seq., and amendments thereto, in order to ensure proper care and
11 protection of a child in need of care in the child welfare system, unless
12 otherwise ordered by the court, such child shall have the right to:

13 (1) Live in a safe, comfortable placement, in accordance with K.S.A.
14 38-2255, and amendments thereto:

15 (A) Where such child lives in the least restrictive environment;

16 (B) where such child shall be treated with respect, have a place to
17 store belongings and receive healthy food, adequate clothing and
18 appropriate personal hygiene products;

19 (C) with siblings when possible; and

20 (D) upon proper investigation and consideration in accordance with
21 K.S.A. 38-2242, and amendments thereto, with a relative, kinship care
22 placement or someone from such child's community with similar religious
23 beliefs or ethnic heritage;

24 (2) have visits with family;

25 (3) have as few placements as possible;

26 (4) have and maintain belongings by:

27 (A) Making a list of belongings to have when placed out of home;

28 (B) providing such list of belongings to such child's case manager;

29 (C) bringing such belongings when placed out of home; and

30 (D) if going on a visit or to a new placement, having belongings
31 packed and transportable for the visit or move;

32 (5) have access to all appropriate school supplies, services, tutoring,
33 extra-curricular, cultural and personal enrichment activities;

34 (6) attend school daily in accordance with K.S.A. 38-2218, and
35 amendments thereto;

36 (7) receive a high school diploma if such child has earned the

- 1 standard credits in accordance with K.S.A. 38-2285, and amendments
2 thereto;
- 3 (8) be notified of all hearings held pursuant to the revised Kansas
4 code for care of children, when age or developmentally appropriate;
- 5 (9) attend, in person or virtually, all court hearings held pursuant to
6 the revised Kansas code for care of children, when age or developmentally
7 appropriate;
- 8 (10) address the court regarding any proposed placement or
9 placement change in accordance with K.S.A. 38-2262, and amendments
10 thereto, when age or developmentally appropriate;
- 11 (11) have a guardian ad litem represent the best interests of the child,
12 in accordance with K.S.A. 38-2205, and amendments thereto, and contact
13 such child regularly;
- 14 (12) request an attorney who will represent the position of the child,
15 if different than the determinations of the guardian ad litem, in accordance
16 with K.S.A. 38-2205, and amendments thereto;
- 17 (13) have privacy to send and receive unopened mail and make and
18 receive phone calls;
- 19 (14) have regular and private contact with and access to case
20 managers, attorneys and advocates;
- 21 (15) access accurate and necessary information for such child's well-
22 being from case managers and guardians and any person who is by law
23 liable to maintain, care for or support the child;
- 24 (16) have as few changes in case managers as possible;
- 25 (17) contact a case manager's supervisor if there is a conflict that
26 cannot be resolved between such child and such child's case manager; and
- 27 (18) when transitioning out of the child welfare system:
- 28 (A) Be an active participant in developing a transition plan, as
29 defined in K.S.A. 38-2202, and amendments thereto;
- 30 (B) have services and benefits explained;
- 31 (C) have a checking or savings account;
- 32 (D) learn to manage money, when age or developmentally
33 appropriate;
- 34 (E) learn job skills that are age or developmentally appropriate; and
- 35 (F) be involved in life skills training and activities.
- 36 (c) Consistent with the policy of the state expressed in K.S.A. 38-
37 2201 et seq., and amendments thereto, in order to ensure active
38 participation of foster parents as an integral, indispensable and vital role in
39 the state's efforts to care for children in the custody of the secretary, unless
40 otherwise ordered by the court, such foster parents shall have the right to:
- 41 (1) Be treated by the Kansas department for children and families and
42 other child welfare system stakeholders with dignity, respect and trust as a
43 primary provider of care and support and a member of the professional

1 team caring for a child in the custody of the secretary;

2 (2) not be discriminated against on the basis of religion, race, color,
3 creed, gender, marital status, national origin, age or physical handicap in
4 accordance with K.S.A. 44-1001, et seq., and amendments thereto, and
5 federal law;

6 (3) continue with such foster parents' own family values and beliefs
7 with consideration given to the special needs of children who have
8 experienced trauma and separation from their biological families, if the
9 values and beliefs of the child and the biological family are respected and
10 not infringed upon;

11 (4) make decisions concerning the child consistent with the policies,
12 procedures and other directions of the Kansas department for children and
13 families and within the limits of state and federal law;

14 (5) receive standardized preservice training by the Kansas department
15 for children and families or the department's designee and at appropriate
16 intervals to meet mutually assessed needs of the child and such foster
17 parents;

18 (6) receive timely financial reimbursement and be notified of any
19 costs or expenses for which such foster parents may be eligible for
20 reimbursement in accordance with K.S.A. 38-2216, and amendments
21 thereto;

22 (7) receive information regarding services and contact the Kansas
23 department for children and families or the department's designee during
24 regular business hours and, in the event of an emergency, by telephone
25 after business hours;

26 (8) receive any information on issues concerning the child and known
27 to the Kansas department for children and families or the department's
28 designee that is relevant to the care of the child or that may jeopardize the
29 health and safety of the foster family or the child or alter the manner in
30 which care and services should be administered prior to the placement of
31 such child;

32 (9) discuss known information regarding the child prior to placement
33 and be provided additional information from the Kansas department for
34 children and families as such information becomes available under state
35 and federal law;

36 (10) refuse placement of a child in such foster parents' home or
37 request the removal of a child from such foster parents' home after
38 providing reasonable notice;

39 (11) receive any available information through the Kansas department
40 for children and families regarding the number of times a child has been
41 placed and the reasons for such placements, and receive the names and
42 phone numbers of any previous placements if such placements have
43 authorized such a release by law;

1 (12) receive information from the Kansas department for children and
2 families that is relevant to the care of a child when the child is placed with
3 such foster parents;

4 (13) provide input and participate in the case planning process for the
5 child and participate in and be informed about the planning of visitation
6 between the child and the child's biological family, recognizing that
7 visitation with the biological family is important, in accordance with
8 K.S.A. 38-2255, and amendments thereto;

9 (14) communicate with the child's child welfare case management
10 provider and share and obtain relevant and appropriate information
11 regarding such child's placement;

12 (15) communicate with members of the child's professional team,
13 including, but not limited to, such child's child welfare management
14 provider, therapists, physicians and teachers as allowed by rules and
15 regulations and state and federal law, for the purpose of participating in
16 such child's case plan;

17 (16) be notified in advance of any court hearing or review where the
18 case plan or permanency of the child is an issue, including periodic
19 reviews held by the court, in accordance with the revised Kansas code for
20 care of children;

21 (17) be considered as a placement option, if a child who was formerly
22 placed with such parents is in the custody of the secretary again;

23 (18) continue contact and communication with a child subsequent to
24 the child's placement from such foster parents' home, subject to the
25 approval of the child and the child's biological parents, if such biological
26 parents' rights have not been terminated;

27 (19) direct questions to the department for children and families
28 regarding information, concerns, policy violations and a corrective action
29 plan relating to licensure as a family foster home;

30 (20) have the rights described in this section be given full
31 consideration when the Kansas department for children and families
32 develops and approves policies regarding placement and permanency;

33 (21) submit a report to the court pursuant to K.S.A. 38-2261, and
34 amendments thereto; and

35 (22) request a court hearing regarding a change of placement notice
36 pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been
37 placed with the same foster parents for six months or longer.

38 (d) This section shall be a part of and supplemental to the revised
39 Kansas code for care of children.

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the statute book.

January 27, 2023

The Honorable Susan Concannon, Chairperson
House Committee on Child Welfare and Foster Care
300 SW 10th Avenue, Room 152-S
Topeka, Kansas 66612

Dear Representative Concannon:

SUBJECT: Fiscal Note for HB 2194 by House Committee on Child Welfare and Foster Care

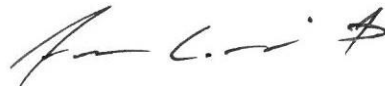
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2194 is respectfully submitted to your committee.

HB 2194 would amend current law regarding the Kansas Code for Care of Children by enacting the Representative Gail Finney Foster Care Bill of Rights. The bill would list 18 rights for children in the foster care system, including the following: to be put in a stable environment; to experience the least number of placements possible; to have access to belongings, including adequate clothing and personal hygiene products; to have family visits; to attend school and receive a high school diploma; to attend all court hearings and be notified of all court hearings if appropriate; to address the court during hearings; to have privacy rights; to have access to attorneys and case managers; and to receive help when transitioning out of the welfare system.

For foster parents, the bill would list 20 rights for foster parents including the following: to be treated with dignity and not be discriminated against; to continue their own family values and beliefs; to have timely financial reimbursements and notification of their financial obligations; to discuss the child prior to placement with them; to request a transfer of placement; to have notification of court hearings; to attend court hearings; to have communication with various stakeholders; and to have continued contact with a previously placed child.

The Department for Children and Families and the Office of Judicial Administration indicate that HB 2194 would have no fiscal effect.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Kim Holter, Department for Children & Families

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2194

As Recommended by House Committee on
Child Welfare and Foster Care

Brief*

HB 2194 would enact the Representative Gail Finney Memorial Foster Care Bill of Rights within the Revised Kansas Code for Care of Children (Code) and would enumerate the rights of children in need of care in the child welfare system and the rights of foster parents.

Rights of Children in Need of Care

The bill would provide that, consistent with the policy of the State expressed in the Code to provide proper care and protection of a child in need of care in the child welfare system, such child would have certain rights, as described by the bill, unless otherwise ordered by the court.

Rights of Foster Parents

The bill would provide that, consistent with the policy of the State expressed in the Code to ensure active participation of foster parents as in integral, vital, indispensable, and vital role in the State's efforts to care for children in the custody of the Secretary for Children and Families, such foster parents shall have certain rights, as described by the bill, unless otherwise ordered by the court.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of Representative Concannon.

House Committee on Child Welfare and Foster Care

In the House Committee hearing on January 30, 2023, representatives of the Children's Alliance of Kansas and FosterAdopt Connect and Representative Carlin testified as **proponents** of the bill. Proponents stated the need for both foster youth and foster parents to have a clear statement of rights in order to feel empowered in navigating the child welfare system and expressed gratitude that the bill's provisions would be a memorial to the late Representative Finney, who worked to pass similar legislation in years prior.

Written-only proponent testimony was submitted by Representative Clayton, a case manager, the Child Advocate, and representatives of the Center for the Rights of Abused Children, Department for Children and Families, Kansas Appleseed, and TFI Family Services. [Note: Some of the testimony submitted references HB 2112, a bill containing similar provisions introduced by the Joint Committee on Corrections and Juvenile Justice Oversight on January 20, 2023.]

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration and the Department for Children and Families indicate enactment of the bill would have no fiscal effect.

Foster care; foster parent; foster youth; foster care bill of rights