

Kansas Department of

# **Social and Rehabilitation Services**

Janet Schalansky, Secretary

**House Corrections and Juvenile Justice  
Committee**

February 6, 2003

**HB 2095 - Concerning children in need of  
care; records and reports**

**Integrated Service Delivery**

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Representative Loyd and members of the Committee, I am Candy Shively, Deputy Secretary of Social and Rehabilitation Services. I appear today in opposition to HB 2095 because, while I support openness in government and believe in staff accountability, I am concerned about the impact on the privacy of children and families as well as the federal funds in the child welfare system.

The federal Child Abuse Prevention and Treatment Act (CAPTA) was amended in 1996 to require states to develop a process which allowed disclosure in cases of child abuse or neglect which resulted in a child fatality or near fatality. In 1997 K.S.A. 38-1507(h) was added to provide, "Nothing in this section shall be interpreted to prohibit a court of competent jurisdiction from making an order disclosing the findings or information pursuant to a report of alleged or suspected child abuse or neglect which has resulted in a child fatality or near fatality if the court determines such disclosure is necessary to a legitimate state purpose. In making such order the court shall give due consideration to the privacy of the child, if living, or the child's siblings, parents or guardians."

An in depth review of every child death is critically important if we are to learn what we need to know in order to avert preventable deaths. We have an absolute duty to safeguard the lives and health of all Kansas children. In 1992 this body established the Child Death Review Board. This multi-agency, multi-disciplinary board meets monthly under the auspices of the Attorney General to examine the circumstances surrounding the deaths of Kansas children. Members bring a wide variety of experience and perspectives on children's health, safety and maltreatment to bear on their goals of identifying patterns and risk factors, improve data and communication on the issue of child deaths and develop prevention strategies. The Board issues a public report to the legislature every year and provides immediate feedback to SRS, law enforcement, prosecutors, KDHE, coroners, etc. as appropriate to improve services or safeguard living children. The Board does not release information which would identify individuals and is not immediately involved in death scene investigations.

SRS is not opposed to more openness and it is not the privacy of SRS that is at stake. The impact of this bill on the privacy of the child and family must be considered. We can not protect children in isolation but are dependent upon the

support of the communities we serve. Openness will enhance understanding of the challenges and complexities of child protection, foster care and adoption. We also believe that openness tends to increase efficiency and accountability for all branches of government. The challenge is to carefully balance openness with the privacy of those individuals involved in a child welfare case.

The federal funding received by Kansas for the prevention of child abuse and the care of foster children requires compliance with CAPTA and Title IV-E of the Social Security Act. CAPTA generally provides for efforts to prevent child abuse and neglect including family services, family preservation and educational programs for mandated reporters. One condition for receipt of funds under CAPTA is a requirement to safeguard information which might identify children and their parents (both natural and foster) except in the case of a fatality or near fatality which was the result of child abuse or neglect. Release of information for non-fatalities or near fatalities is not covered by the exception and would place Kansas at risk of losing considerable federal funding. The department believes the passage of this bill as written will result in the loss of federal child welfare funds. This includes \$37.5 million in IV-E and \$5.0 million in IV-B funds.

Thank you and I will stand for questions.