

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

**House Corrections and Juvenile Justice
Committee**

February 12, 2003

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Room 526 S

HB 2125 - Rights of Foster Parents

**Integrated Service Delivery Division
Candy Shively, Deputy Secretary**

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Representative Loyd and members of the Committee, I am Candy Shively, Deputy Secretary of SRS.

SRS participated with the Joint Committee on Children and Families in the review of services for children in need of care and appreciate the effort to understand this very complicated system. This bill provides the family with whom a child has been residing for six months or longer the right to a hearing within 72 hours of an emergency removal; it gives foster parents the right to attend child in need of care court hearings; and it establishes two pilot programs in which parent's are allowed to bring two observers to the court proceedings.

K.S.A. 38-1566 requires 30 days notice of an intent to move a foster child from a home when a child has lived with one family for six months or more. This is in recognition of the child's need for stability and reality that in six months the child will have established a significant relationship with that family, a particular school and within a specific community. Disrupting this relationship is not and should not be taken lightly. Within 10 days of receiving the notice, the foster family may request a hearing. The court has the ultimate authority to determine whether the move is in the best interest of the child.

K.S.A. 38-1567 provides an exception to the 30 day notice in an emergency. Although the vast majority of foster parents provide exemplary care, abuse and neglect are possible and immediate action may be necessary to protect a child. Unlike removal from birth parents, emergency removal from foster parents is within the authority of the custodian. As custodian, SRS takes this very seriously and staff are quite cautious. However, it is a judgement call and oversight by the court is appropriate. Currently the move must be reported to the court, but there is no provision specifically authorizing a foster parent to request a hearing or requiring the court to evaluate evidence and determine whether an emergency justified disruption of the child's life. Having responded appropriately to an emergency, staff should be able to explain the determination to a court within a time frame that allows the child to return to familiar caretakers and surroundings if appropriate.

Sufficient confidentiality to protect the privacy of vulnerable children and families while insuring sufficient openness to facilitate accountability and understanding are critical, competing requirements and difficult to balance. Insuring the inclusion of

foster parents in court hearings to determine the best interests of the children they care for 24 hours every day, seems a reasonable step toward openness. I believe it will have little impact on practice in most courts. However, I do urge some discretion remain with the court to determine when the presence of any person is disruptive or when a witness may need to be sequestered. Courts must have the ability to address the unforeseeable.

Thank you and I stand for questions.