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Testimony in Support of HB 2536
House Committee on Child Welfare and Foster Care

Good afternoon, Chair Concannon, Ranking Member Ousely and Members of the House Committee on Child Welfare and Foster Care. My name is Mike Fonkert and I am Deputy Director at the Kansas Appleseed Center for Law and Justice. I am here today to speak in support of House Bill 2536, the SOUL Family Legal Permanency Option.

Kansas Appleseed, with its unwavering commitment to advocating for the rights and well-being of children, is proud to support the SOUL Family Legal Permanency Option. Research and lived-experience of children involved in the foster care system show that this option is 1) necessary to address the needs of older children in Kansas' foster care system; and 2) will improve the foster care system in the state overall by helping achieve stability and permanency for children who are currently falling through the cracks.

The SOUL Family Legal Permanency Option, which stands for Support, Opportunity, Unity, and Legal Relationship, represents a groundbreaking approach to permanency planning for older youth in foster care. It allows young people the agency to choose their SOUL Family, a concept rooted in the belief that every child deserves a loving and supportive family.

The SOUL Family Legal Permanency Option's desired outcomes include:

- Increase the number of young people who maintain close and healthy relationships with siblings and birth family members during and after foster care;
- Expand permanence options for young people whose needs are not met by adoption, reunification, and legal guardianship, including young people who are parenting;
- Reduce the length of stay for older youth in foster care by increasing their options for establishing permanent families;
- Reduce the number of young people living in group settings or institutions.

Young people who have experienced the foster care system firsthand developed the concept of the SOUL Family Legal Permanency Option. They reported needing more support finding, making, and maintaining stable, lasting relationships. Data have further illustrated the struggles and frustrations young people have reported when they don't have those connections.

Many Kansas youth 16 and older in foster care are currently left with no options as they reach adulthood:

- In 2023 there were about 2,000 (over 30% of all children in foster care) kids 14 and older in the Kansas foster care system.¹
- Of children 16 and older in Kansas foster care, more than 50% will age out of the system, meaning they will enter adulthood without a permanent or legal family connection.²

¹ DCF. Children in Out of Home Placement by Age Groupings, FY 2023 (FACTS).

https://www.dcf.ks.gov/services/PPS/Documents/FY2023DataReports/FCAD_Summary/AgeGenderReportFY23.pdf

² Adoption and Foster Care Analysis and Reporting System (AFCARS). 2021.

<https://www.acf.hhs.gov/cb/report/trends-foster-care-adoption>

- In 2023 about 600 children in foster care (about 10% of all children in foster care) had permanency goals leading to emancipation or aging out.³

These 600 plus children in the state are facing adulthood without a supportive family and critical adult connections to turn to as they navigate the challenges of young adulthood such as postsecondary education, finding employment, finding affordable housing, and much more. The SOUL Family Legal Permanency Option gives children the option to establish a legal, stable, and loving relationship with a family of their choosing.

Currently, children leaving foster care in Kansas face significant challenges in education, housing, and more:

- In 2022, 24% of youth aged 19 exiting the foster care system in Kansas did not have a high school diploma or other degree.
- In 2022, 29% of youth aged 19 exiting foster care had experienced homelessness.
- 28% of youth aged 19 exiting foster care reported being recently incarcerated.⁴

Without a strong support system to turn to, children aging out of foster care are facing even greater risks and challenges. The SOUL Family Legal Permanency Option provides young people with support to find, make, and maintain healthy relationships to guide them through young adulthood and beyond. That relationship, like other permanency options, would also have a legally recognized standing.

The SOUL Family Legal Permanency Option is also directly aligned with efforts to improve the overall quality and outcomes for children in the state's foster care system. The Settlement Agreement between DCF and plaintiffs in the *McIntyre* lawsuit (2021) outlines crucial requirements to improve the child welfare system, including addressing failures in placement and improving mental health outcomes for children in foster care.

Research shows that the longer a child is in foster care, the higher placement instability they experience. Placement instability increases trauma and decreases successful results. Children need consistency, predictability, and secure attachment to thrive. This is especially true of children in foster care. They have already experienced trauma from the events leading to removal, and are retraumatized when they are removed from their homes. Placement changes increase the risk of additional trauma that could lead to aggression, delinquency, and other mental health struggles. More placements moves is also correlated to delayed permanency, academic struggles, and difficulty with developing secure and meaningful attachments.⁵ In

³ DCF. SFY2023 Permanency Goal for Children in Out of Home Placement (FACTS).

https://www.dcf.ks.gov/services/PPS/Documents/FY2023DataReports/FCAD_Summary/PlacementPermGoalFY23.pdf

⁴ National Youth Transition Database (NYTD). Outcomes Data Snapshot: Kansas. FY 2018-2022.

<https://www.acf.hhs.gov/sites/default/files/documents/cb/nytd-outcomes-ks-2022.pdf>

⁵ Mishra, A. A., Schwab-Reese, L. M., & Murrell, L. V. (2020). Adverse childhood experiences associated with children's patterns of out of home placement over time and subsequent negative outcomes during adolescence. *Child & Youth Care Forum*, 49(2), 247–263. <https://doi.org/10.1007/s10566-019-09526-4>; Clemens, E. V., Klopfenstein, K., Lalonde, T. L., & Tis, M. (2018). The effects of placement and school stability on academic growth trajectories of students in foster care. *Children and Youth Services Review*, 87, 86–94.

<https://doi.org/10.1016/j.chidyouth.2018.02.015>; Dubois-Comtois, K., Bussi eres, E.-L., Cyr, C., St-Onge, J., Baudry, C., Milot, T., & Labb e, A.-P. (2021). Are children and adolescents in foster care at greater risk of mental health problems than their counterparts? A meta-analysis. *Children and Youth Services Review*, 127, 106100.

<https://doi.org/10.1016/j.chidyouth.2021.106100>. Casey Family Programs. Issue Brief: What Impacts Placement Stability? 2023. <https://www.casey.org/media/23.07-QFF-SF-Placement-Stability-Impacts.pdf>

Kansas that means the that over 2,000 children are facing adulthood with additional risk factors impacting their ability to thrive:

- Children ages 13-18, experience the most placement instability in the Kansas foster care system.⁶
- Children who age out of foster care spend a longer amount of time in foster care than their peers. On average, in 2023, children who aged out of foster care spent over 3 years in foster care.⁷

The SOUL Family Legal Permanency Option will provide more support, and do so earlier in their placement, to these children by providing resources to help children find meaningful stability through a chosen family and subsequently achieving permanency through the legal recognition of their chosen SOUL Family. All of which will reduce the time children are in care, the number of placement moves they make, and ultimately the trauma and risks associated with placement length and instability.

Kansas youth have led statewide partners in laying the foundation for this groundbreaking and innovative child welfare program. However, without this legislative action, it cannot be operational and change the lives of young people entering adulthood in the state. I urge you to take this important step and make Kansas the first in the nation to have this permanency option, and a leader for ensuring the success of older children in the foster care system. This legislation addresses a need for thousands of children in the state, and gives DCF the tools to help ensure the stability and permanency of children in their care. We can create a more compassionate and effective child welfare system that prioritizes the well-being and agency of the youth it serves. Let us ensure that every child in foster care, aged 16 and above, has the opportunity to choose their SOUL Family and experience the love and stability they deserve.

Thank you for your time, and I'm happy to answer any questions.

⁶ DCF. Child and Family Services Review, Round 4: Statewide Assessment. 2023.

<https://www.acf.hhs.gov/sites/default/files/documents/cb/ks-cfsr-r4-swa.pdf>

⁷ DCF. Length of Stay and Reason for Ending Out of Home Placement. (FACTS). SFY 2023.

https://www.dcf.ks.gov/services/PPS/Documents/FY2023DataReports/FCAD_Summary/LengthofstayFY2023.pdf