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Written Testimony in Support of HB 2552
House Committee on Child Welfare and Foster Care

Chair Concannon, Ranking Member Ousely and Members of the House Committee on Child Welfare and Foster Care,

Thank you for the opportunity to provide this testimony. I am writing in support of House Bill 2552, which would prohibit DCF from using federal benefits a child in foster care receives for the costs of the care of the child while in state custody.

Kansas Appleseed has a long history of unwavering commitment to advocating for the rights and well-being of children, including improving our state's foster care system. Despite some improvements to the foster care system in recent years, it remains a system in crisis that is not always serving the best interests of the children in its care. HB 2552 is a step to improve that system. It will provide access to resources for children, give them future autonomy, and improve their chances for success when they leave the system.

Last session, the Legislature made the historic step of passing the Representative Gail Finney Memorial Foster Care Bill of Rights. That act made it state law that the proper care and protection of a child in the state's child welfare system has certain protected rights. One of those rights is to have and maintain their belongings. The statute enumerates that those belongings are items that go to placements with the child.¹ However, I would argue that among a child's belongings are the federal benefits they are granted, as well. Under federal law, that money is considered the property of the child. We owe it to the children in the state's care to honor the state's commitment to their rights and future success.

Nationally, 10-12% of all children in foster care are able to receive Social Security benefits due to physical or mental disability or because they are the beneficiary of a parent.² Currently, the state takes any Social Security Account (SSA)/Supplemental Security Income (SSI) payments for children in foster care and puts it towards the care of the child while they are in state custody. Currently the state is taking payments for 874 children (almost 15% of all children in foster care in the state). That money results in about \$8.5 million in revenue for DCF. That is \$8.5 million that belongs to those 874 Kansas children. That is 3% of DCF's foster care budget—a negligible impact on the agency's budget.³ However, to those children who the money belongs to, it could provide them necessary material support when they leave foster care and put them on the path to success.

¹ K.S.A. 38-2201 et seq.

² Hager, E. and Shapiro, J. "Foster Care Agencies Take Millions of Dollars Owed to Kids. Most Children Have No Idea." 2021. The Marshall Project.

<https://www.themarshallproject.org/2021/04/22/foster-care-agencies-take-thousands-of-dollars-owed-to-kids-most-children-have-no-idea>

³ Kansas Division of Budget. Fiscal Note for HB 2552. 2024.

https://www.kslegislature.org/li/b2023_24/measures/documents/fisc_note_hb2552_00_0000.pdf and Kansas Legislative Research Department. 2023-2024 Appropriations Report. 2023.

https://klrd.org/wp-content/uploads/2024/01/Appropriations_Report_2024-1.pdf



This money is especially important to old youth in foster care who will be reaching adulthood. Many of these children are left with limited resources when they leave foster care:

- 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.⁴
- 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 and support.⁵
- 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.⁶

These 600 plus children in the state are facing adulthood without critical financial support as they navigate postsecondary education, finding employment, finding affordable housing, and much more. Some of those children may have federal payments they could use to establish themselves as they enter young adulthood. That financial assistance and stability could help lead to successful transitions for these children out of foster care and into independent adulthood.

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.⁷

We know that education leads to good jobs, stable housing requires money, and people living in poverty are more likely to face desperation that leads to crime. Ensuring children have the money they are owed provides necessary resources to some of these children as they leave foster care, improving their chances at success.

Children in one study reported invaluable insight on what these payments could mean for them. They report their benefits would have been used for things like college, getting a real estate license, safe and stable housing, a car to get to work and thus have a job, clothes, hygiene products, other possessions of their very own, and food.⁸ These are not extravagant desires; children and young adults simply want to have their basic needs met so they can succeed. HB

⁴ 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

⁵ Adoption and Foster Care Analysis and Reporting System (AFCARS). 2021.

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

⁶ 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

⁷ 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>

⁸ Hager, E. and Shapiro, J. "Foster Care Agencies Take Millions of Dollars Owed to Kids. Most Children Have No Idea." 2021. The Marshall Project.

<https://www.themarshallproject.org/2021/04/22/foster-care-agencies-take-thousands-of-dollars-owed-to-kids-most-children-have-no-idea>



2552 is one small, but meaningful correction to the foster care system that would affect 15% of Kansas children in foster care.

Although Kansas is not alone in its practice of taking SSI payments to supplement foster care budgets, HB 2552 represents an opportunity for Kansas to be a leader among other states and correct its actions. Currently most states in the country use this practice, but in recent years a handful have started to end the practice, instead protecting the benefits for the children when they leave care. For example, New Mexico ended the practice at minimal cost to the state. Additionally, Arizona and Oregon are also moving to end the practice in their states, again with minimal financial impact to the states.⁹ HB 2552 is an opportunity for the state to ensure the rights of children in foster care to their own property.

It is time Kansas ends the practice of billing children for their own foster care. Instead, the state should protect the funds for those children to help them succeed after they leave foster care. Right now, the state is using these funds to reimburse itself for the cost of foster care. However, the state already has an obligation to provide care for children in foster care whether they receive SSI or not under state and federal laws. Since the SSA/SSI payments are for children whose parents have passed away, children whose parents are disabled, or for children who are disabled, the current system is unfairly targeting children and families who are already impoverished or facing significant barriers.

I urge you to vote in favor of HB 2552, ending this system and protecting the benefits of Kansas children for their future success.

Thank you,

Mike Fonkert

⁹ Kansas Division of Budget. Fiscal Note for HB 2552. 2024.
https://www.kslegislature.org/li/b2023_24/measures/documents/fisc_note_hb2552_00_0000.pdf