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Kansas Appleseed Center for Law and Justice
Written Testimony in Support of HB 2075
House Committee on Child Welfare and Foster Care

Chair Howerton, 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 2075, which would require that a permanency hearing for a child in foster care occur within nine months after the child's removal from their home. Currently, law states this hearing must occur within 12 months. Reducing the time to 9 months will provide an avenue to prevent children from languishing in the unknowns and trauma of foster care.

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 2075 is a step to improve that system. Earlier permanency hearings means a family is more likely to receive necessary services that support reunification and the child is more likely to have a stable placement. Increased services, shorter times in foster care, and stable placements all reduce the harm family separation can cause, and increase the child's chance for success when they leave the system.

The foster care system in Kansas has long done a disservice to Kansas' most vulnerable children. 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. HB 2075 is a tool to help address those critical failings in the system by reducing practices of moving a child from placement to placement without addressing the needs of the child and their family.

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.¹

¹ Mishra, A. A., Schwab-Reese, L. M., & Murfree, 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

That harm and disadvantage from the foster care system and separation from parents is the reality for almost 6,000 Kansas children.² The scale of the Kansas foster care system and where it is failing children speaks to the importance of providing the children early and timely permanency hearings:

- We know children thrive best with their families. Every effort should be made to ensure that children can safely stay with their families. Still, the most recent federal review of Kansas' child welfare system shows that more can and should be done in the state to keep children and families together. Federal reviewers found in a case review that less than 50% of cases indicated that the agency made efforts to provide appropriate services to prevent the children from entry or reentry into the foster care system.³
- Once in foster care, Kansas children in foster care are moved from placement to placement at higher rates than other states. A federal review of Kansas' system reveals that the state continues to decline in their ability to provide stable placements to children in foster care. Federal reviewers found that the number of moves a child experiences per 1,000 days in foster care has increased. Kansas children in foster care experience a rate of over 6 moves per 1000 days in care. Monitoring of DCF's performance for our settlement agreement with them confirmed these results.⁴
- Further, once children are in foster care, they languish there. The recent federal review found that Kansas is performing worse than other states at ensuring children are reuniting with their families or achieving another permanent living arrangement in a timely manner. The federal review found cases only achieved timely reunification 27% of the time. Timely reunification is defined as less than 12 months. The longer a child is in foster care, the more at-risk the child is for poor outcomes and to never reunite with their family.⁵
- Kansas' rate of children in foster care is almost twice the national average. On any given day in Kansas over 6,000 kids are in foster care and 250 more enter foster care.⁶

Further, the shortcomings and harm of Kansas' foster care system impact some of the state's most vulnerable children:

students in foster care. Children and Youth Services Review, 87, 86–94.

<https://doi.org/10.1016/j.childyouth.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.childyouth.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>

² DCF. FY 2024 Removals, Exits and Out of Home Summary.

https://www.dcf.ks.gov/services/PPS/Documents/FY2024DataReports/FCAD_Summary/FACTSRemovalsExitsOOHSFY24.pdf

³ Administration for Children and Families. "Child and Family Services Reviews: Kansas Final Report." 2023.

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

⁴ Administration for Children and Families. "Child and Family Services Reviews: Kansas Final Report." 2023.

<https://www.acf.hhs.gov/sites/default/files/documents/cb/ks-cfsr-r4-final.pdf> and Center for the Study of Social Policy.

"*McIntyre v. Howard*: Progress Report, Period 3." 2024.

<https://cssp.org/wp-content/uploads/2024/09/McIntyre-v.-Howard-Period-3-Report.pdf>

⁵ Administration for Children and Families. "Child and Family Services Reviews: Kansas Final Report." 2023.

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

⁶ DCF. FY 2023 Removals, Exits, and Out of Home Summary (FACTS). 2023.

https://www.dcf.ks.gov/services/PPS/Documents/FY2023DataReports/FCAD_Summary/FACTSRemovalsExitsOOHSFY23.pdf

- Children ages 13-18, experience the most placement instability in the Kansas foster care system.⁷
- 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.⁸
- Black children are over-represented in the proportion entering foster care compared to the overall child population in the state. They have seen the highest entry rates and the lowest percentage of permanency regardless of the length of stay.
- American Indian/Alaska Native children also experienced a high and increasing rate of moves.⁹
- A Kansas Legislative Division of Post Audit investigation in 2021 found that being Black reduced a child's odds of reunifying with their parents by 8%, and being American Indian reduced a child's odds of reunifying with their parents by 25%. The same study found that Black children were 34% more likely to achieve permanency through emancipation than their White counterparts.¹⁰ This further indicates that Black children in Kansas are more likely to languish in foster care until they age out of the system.

HB 2075 is a way to address these ongoing issues of unstable placements and failure to meet permanency objectives for all Kansas children. Research indicates that an early permanency could lead to better outcomes. For example,

- An early hearing could lead to earlier identification of a child's needs and a parent's ability to achieve permanency goals.
- It also provides stability for the child because it makes a plan early in the child's time in foster care, which leads to finding better placements for the child's need as well as supporting the child's feelings of security through reduced disruptions and placement changes.
- In the event it is not in the best interest of the child to return to their family it can lead to a plan to identify other permanent homes for the child, ultimately reducing the time a child is in care.
- Early placement hearings also provide agency for children (when age-appropriate), families, and all other involved parties. The hearing is a platform for all who seek the child's best interest. An early permanency hearing ensures that platform is available well before a child reaches a year in care.¹¹

⁷ 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>

⁸ DCF. Length of Stay and Reason for Ending Out of Home Placement. (FACTS). SFY 2024.

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

⁹ 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>

¹⁰ Kansas Legislative Division of Post Audit. "Reviewing Foster Care Case Plan Tasks and Permanency Outcomes." 2021. <https://www.kslpa.gov/audit-report-library/reviewing-foster-care-case-plan-tasks-and-permanency-outcomes/>

¹¹ Child Welfare Information Gateway. "Court Hearings for the Permanent Placement of Children-Kansas." 2020.

<https://www.childwelfare.gov/resources/court-hearings-permanent-placement-children-kansas>; Soronen, R. National Council for Adoption. "Legal Permanency: 3 Reasons Why It is Important for Children In Foster Care." 2024.

<https://adoptioncouncil.org/blog/legal-permanency-3-reasons-why-it-is-important-for-children-in-foster-care/>

Currently, only about 33% of all children in foster care in the state achieve permanency before turning 18 within 12 months.¹² HB 2075 would provide a tool to help children and families review their permanency plans and goals before that 12 month mark, and get more children in stable, long-term placements or back with their families sooner, 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.

We can create a more compassionate and effective child welfare system that prioritizes the well-being of children and families. Let us ensure that every child in foster care doesn't languish there. Families are best together, and when that isn't possible, stable, supportive alternative placements ensure the best outcomes. I urge you to support 2075, in order to make sure the most vulnerable children in Kansas have the best opportunities for successful futures.

Thank you for your time,

Brenna Visocsky

¹² DCF. "Permanency in 12 months." FY 2024.

https://www.dcf.ks.gov/services/PPS/Documents/FY2024DataReports/FCAD_ContractOutcomes/Permanencyin12Months-EnteringCareSFY24.pdf