



ANNUAL REPORT 2023

Division of the Child Advocate

Email: ChildAdvocate@ks.gov

Website: <https://childadvocate.ks.gov/>

Tel: 785-296-8642

900 SW Jackson St., Suite1041, Topeka, KS, 66612

TABLE OF CONTENTS

INTRODUCTION & OVERVIEW	2
A Message from the Child Advocate...	2
Kansas Division of the Child Advocate Team	4
What is the Division of the Child Advocate?	5
2023 PROJECT HIGHLIGHTS	7
Foster Parenting in Kansas-Former Foster Parent Survey	7
Best Interest Staffing Report	9
KDCA EDUCATION, OUTREACH, & COMMUNITY ENGAGEMENT	11
Education	11
Outreach	11
Collaboration	11
Facilitation	12
KDCA COMPLAINT PROCESS	13
Who Can File a Complaint?	13
Types of Investigations	13
Complaint Assessment	14
Investigation findings	15
2023 INQUIRIES, COMPLAINTS & DATA	16
KDCA 2023 Complaints by Region, Area, & CMP	18
POLICY & PROCEDURE CONSIDERATIONS	26
LOOKING TO 2024	31
APPENDIX A	34
APPENDIX B	43
References	46

INTRODUCTION & OVERVIEW

A Message from the Child Advocate....

2023 has been a year of celebration, progress, and loss.

Kansas honored a very dear and respected champion for foster families and, most importantly, foster youth in the passage of the Representative Gail Finney Memorial Foster Bill of Rights. Kansas also saw support for the recruitment and training of therapeutic foster homes, support for prevention services for children with intellectual and developmental disabilities, as well as progress in establishing and funding community behavioral health supports and initiatives to address our childcare deserts. We experienced an evolutionary shift towards acknowledgment that Kansas child and family wellbeing is a public health issue, affecting all communities, and impacted by multiple systems and policy decisions.

Yet, in this time of progressive change, Kansas continues to experience child fatalities, have youth in care with a lack of stability, mental health care, and safety. Families continue to face overwhelming challenges and obstacles in meeting their most basic needs of housing and food security, including access to mental and behavioral health supports. And like so many other states, Kansas continues to struggle and

tackle rampant workforce issues in child welfare, healthcare, childcare, and education.

As an accountability and guidance mechanism, the 2018 class action lawsuit filed against the state on behalf of foster youth and subsequently the January 2021 settlement agreement, brings the release of the Progress Report Period 2 by the Neutral (www.childrensrights.org/wp-content/uploads/2023/08/McIntyre-v.-Howard-Period-2-Progress-Report.pdf). This report outlines progress on monitored outcomes over three or four, one-year periods with an emphasis on accountability reporting and practice improvements. Kansas also completed the Children and Families Services Reviews (CFSR) Round 4 (www.acf.hhs.gov/sites/default/files/documents/cb/ks-cfsr-r4-final.pdf), developing a program improvement plan (PIP). Despite progress, there remains a lot of work to be done and areas that we should all take responsibility, embrace being uncomfortable in order for change to occur and join together in saying “we, as Kansas citizens, all must do better.” As so many have recently acknowledged, this must be done with a sense of urgency.

2024 brings us opportunity to work in collaboration with a collective and cohesive goal of ensuring positive outcomes for Kansas children and families. KDCA will continue to provide voice and recommendations for best practice and improvement - beginning with upstream prevention, parent supports and engagement, supports for youth aging out and transitioning to adulthood, as well as aftercare services and post adoption supports.

I remain deeply grateful and proud of the KDCA team. They embark daily on what can often feel to be an insurmountable task with energy, commitment, passion, and bravery, bringing their knowledge and expertise to assist those touched by our child welfare

system, endeavoring to find resolution, provide independent oversight and accountability, and assist in the improvement of care and delivery of child welfare services to Kansas children and families. KDCA continues to develop in processes, relationships, and impact. 2024 brings modernization to the KDCA website platform and continued development of our case management system for improved workflow and efficiency.

Thank you for your support and the honor of serving our Kansas children and families.



Kerrie Lonard | Kansas Child Advocate



Kansas Division of the Child Advocate Team

Kerrie Lonard named as the Child Advocate in December 2021. Before joining KDCA, Kerrie spent 14 years with Kansas Legal Services, serving as both Staff Attorney and Managing Attorney. She has represented children and youth as Guardian ad Litem (GAL), as well as parents, and interested parties in child-in-need-of-care proceedings. Prior to earning a law degree, she worked as a school social worker for five years, and other foster care and child advocate roles, including as a CASA volunteer. Kerrie earned a Bachelor of Social Work from the University of Kansas, a Master of Social Work from Washburn University, and is a graduate of Washburn University School of Law. During her tenure in public service and advocacy, Kerrie has served on numerous statewide panels for child welfare systems improvement.

Brook Town joined KDCA as a Case Investigative Analyst. Brook brings over a decade of professional experience in child welfare, most recently working with one of the state's foster care contractors serving families providing foster care, including developing training for foster parents and aiding families as they navigated the fostering, reunification, and adoption journey. Previously Brook worked for the Department for Children and Families, completing Family-Based assessments, referring families to services, and assessing allegations of abuse and neglect. She earned a Bachelor of Social Work from Washburn University and a Master of Social Work from Park University. She holds a professional license as a Master Social Worker (LMSW) in Kansas.

Elizabeth Pfalzgraf joined KDCA as a Case Investigative Analyst. Elizabeth has worked in child welfare for more than 10 years in various roles including child abuse and neglect investigations, case management supervision and agency leadership. She has experience in practice model implementation, policy development, performance measure compliance, and enhancing best practice. Elizabeth has served as an assessor in multiple Child and Family Service Reviews (CFSR), evaluating state child welfare practices to federal outcome standards. She earned a Bachelor of Science in Criminal Justice from University of Nebraska and a Master of Social Work from University of Missouri-Kansas City. Elizabeth holds a professional license as a Master Social Worker (LMSW) in Kansas.

Wendy Watson joined KDCA as a Case Investigative Analyst. Wendy has over 15 years of experience in rural and urban child welfare including child protective services investigations, foster care case management, agency leadership, and as a domestic violence specialist. She worked as an investigator within the Utah Child Protection Ombudsman Office and has served as an assessor in Child and Family Service Reviews (CFSR), evaluating state child welfare practices to federal outcome standards. She has experience in practice model implementation, policy development, compliance, and foster care licensing. In addition to child welfare, she has ten years of experience with the KanCare Medicaid waivers. Wendy earned a Bachelor of Social Work from Weber State University. She currently holds a professional license as a Licensed Bachelor Social Worker (LBSW) in Kansas, and previously held a license in the state of Utah.

Sarah Gisick joined KDCA as the Office Administrator. Prior to this, Sarah has served for over a decade in the Early Childhood Education Field. As a Childcare Coordinator focusing on growth and training in the areas of Trauma Informed Care and Positive Behavior Supports, Sarah has connected with a passion in helping children to be healthy, happy, and cared for. Sarah holds a bachelor's degree in Speech Language & Hearing from the University of Kansas.

What is the Division of the Child Advocate?

The State of Kansas Division of the Child Advocate (KDCA) was established by Executive Order No. 21-28 ([EO-21-28-Division-of-Child-Advocate-Executed.pdf \(kansas.gov\)](#)), October 2021, within the Office of Public Advocates, as set out by Executive Order 21-27 ([EO-21-27-Office-of-Public-Advocates-Executed.pdf \(kansas.gov\)](#)), and attached to the Department of Administration.

The Department of Administration provides technical assistance and advice as the Secretary deems reasonable and necessary to assist the Division of the Child Advocate to function as an independent state agency. This technical assistance includes support from human resources, budget and accounting, and information technology (IT).



The Kansas Division of the Child Advocate was created in response to ensure Kansas prioritizes the safety and health of childhood as the highest importance, to increasing support for families, protecting Kansas children from harm, ensuring adequate care as vital to improving the delivery of child welfare services, and providing impartial review of concerns voiced by children and families and evaluation for system improvement.

Mission and Vision

The mission of the Division of the Child Advocate is to safeguard the right that all Kansas children have to be cherished, the opportunity to thrive, and are safe from abuse, neglect, and harm. KDCA carries out this mission by providing independent oversight and increased accountability of our State child welfare services, improving delivery and deepening confidence in the

child welfare system. KDCA completes an impartial, independent review of Kansas child welfare policies, procedures, and practices, including an independent investigation and evaluation of concerns voiced by children, families, and other individuals.

The Division of the Child Advocate is committed to independence, transparency,

accountability, voice, and impactful change. KDCA will act according to the highest standards of ethics, honesty, respect, and dignity. KDCA will operate in a thorough, competent, and efficient manner to effectuate change.

Purpose and Responsibilities

The purpose of the Division of the Child Advocate is to ensure that children and families receive adequate coordination of child welfare services for child maltreatment prevention, protection, and care through services offered by Department for Children and Families, Department for Aging and Disability Services, Department of Corrections, Department of Health and Environment, and juvenile courts. The Division of the Child Advocate serves as an independent voice for the safety, health, and well-being of children and families who are involved with the State child welfare system due to allegations of child abuse or neglect.

The Division of the Child Advocate has the responsibility to work towards:

- safeguarding the protection of children who are at risk of abuse or neglect;
- ensuring health and safety of children who are alleged to be a Child In Need of Care or in the custody of the Secretary for the Department for Children and Families;
- advocating to improve existing laws and policies and procedures that have an adverse impact on family preservation and reunification or on child protection, well-being and permanency;
- identifying and articulating the needs of families and children as they relate to family preservation, reunification, child protection, well-being, and permanency to government agencies, the Governor, the Legislature, the Judiciary, the Administration, and the Public; and
- promoting public awareness, education, and understanding of the laws and services that impact families and children subject to the child welfare systems.

2023 PROJECT HIGHLIGHTS

Foster Parenting in Kansas-Former Foster Parent Survey

In September 2022, the Joint Committee on Child Welfare System Oversight (JCCWSO) received testimony that Kansas had experienced a net loss of approximately 500 foster homes. This information combined with ongoing concerns regarding placement stability for youth in Kansas led the Joint Committee to task KDCA with conducting research to learn the causes behind this loss of foster homes.

KDCA conducted a survey and presented a preliminary report to the committee in November of 2022. Following the survey, KDCA completed interviews with former foster parents who consented. A final report was presented to the JCCWSO in June of 2023.¹ This report was the culmination of several months of work surveying and interviewing former foster parents, reviewing other state policies and research on child welfare and best practices. The report concluded with 9 recommendations for DCF, CMPs, and CPAs to review.

48.8% of Responses Cited Lack of Support as Reason for Closure

(Kansas Division of the Child Advocate, 2023)

Most survey and interview responses fell into one of four specific categories: (1) Training, (2) Communication, (3) Respect, and (4) Support. Recommendations were made for each category as well as a few general recommendations.

These recommendations are as follows:

- KDCA recommends the state explore the implementation of a requirement for foster parents and CPA staff to develop a training plan for each certification period. (Training)
- KDCA recommends the state consider the use of brief screening tools to be completed within 24 hours of a child's placement in foster care. (Communication)
- KDCA recommends DCF and contract agencies provide extensive overview, training and ongoing support and supervision to ensure foster parents and kinship providers

are “treated by the Kansas Department for Children and Families and other child welfare system stakeholders with dignity, respect and trust as a primary provider of care and support and a member of the professional team caring for a child in the custody of the secretary.”² (Respect)

- KDCA recommends the state explore a respite specific license for families that do not wish to provide long term care. While this license could require the same home safety standards and background checks, it may allow for different pre-service training or capacity regulations compared to a traditional foster home license. DCF is encouraged to review other state policies that allow for this specific licensure. (Support)
- KDCA recommends the state investigate the implementation of a survey program for current foster parents to elicit feedback before families close their license. There are a number of instruments that have been researched. These include the Treatment Foster Parent Satisfaction Survey (TFP-SS), the Family Support Scale (FSS), and the Turnover Intention Questionnaire (TIQ).^{3, 4, 5}
- KDCA recommends the state review licensing restrictions on the number of children residing in a foster home and criteria for exceptions. DCF is encouraged to explore the policies in other states that allow for larger families to maintain a foster license.
- KDCA recommends the state review the restrictions that prevent individuals from holding both a license for in-home daycare and foster care.
- KDCA recommends that the state review existing policies to further encourage the facilitation of Icebreaker meetings. These changes could include changes to when or how frequently meetings are offered, especially in situations where the initial invitation was declined.

While it's important to acknowledge that it will take time to implement any of the recommendations and see positive change, it should be noted that Kansas is currently on pace to see a similar percentage decrease in foster homes by the end of 2023. While this statewide loss is concerning, there are some bright spots. According to DCF internal tracking, some regions and CPAs have seen notable growth in the number of foster homes they serve. Additionally, there are just over 2% fewer children in care today than there were on the last day of 2022. ¹¹

The Foster Parent Survey Report (June 2023) is available online at <https://childadvocate.ks.gov/reports>.

Best Interest Staffing Report

The Best Interest Staffing (BIS) is the process defined by Department for Children and Families (DCF) for selecting an adoptive resource for a child. As a result of investigating multiple complaints related to adoption brought forward by the Kansas child welfare community, KDCA determined that concerns presented were often related to the Best Interest Staffing. KDCA found that the policy was not always interpreted in the same way statewide, and that stakeholders had concerns about the fairness of the process. In an effort to carry out the mission of KDCA through improving delivery of child welfare services as well as completing impartial, independent review of Kansas child welfare policies, procedures and practices, the BIS project was born. The in-depth project culminated in a 45-page report which examines current policy, considers practices in other states, contains stakeholder opinions and a series of recommendations for change and improvement.

2024 Announcement

KDCA is pleased to announce that the BIS report is generating positive attention and results from DCF as well as Case Management Providers and other stakeholders. Effective January 1, 2024, DCF made substantial changes to policy in PPM 5339 as a direct result of the BIS report. Changes include a clear definition of the word “consensus,” clarity on participants, and a “reduction in the number of participants who receive extensive documentation on the child(ren) and resource(s).” (Kansas Department for Children and Families, 2024)

The project started in late 2022 when KDCA convened conversations to facilitate dialogue regarding the BIS process. Feedback and ideas were received through interactive virtual meetings, written correspondence, and surveys with groups of stakeholders including workers, supervisors, attorneys, and administrators from the following: Case Management Providers (CMP), Child Placing Agencies (CPA), Court Appointed Special Advocates (CASA), Department for Children and Families (DCF) Foster Care Liaisons, Foster Adopt Connect, and Guardian *ad Litem*s (GAL). Research was conducted as to other states and their policies, sibling splits, and researching outside the box ideas such as post adoption contact agreements to those found in DCF PPM. ⁶ Recommendations were made for change and can be found in Appendix B of this document.

The Best Interest Staffing Report (September 2023) is available online at <https://childadvocate.ks.gov/reports> on the KDCA website.

KDCA EDUCATION, OUTREACH, & COMMUNITY ENGAGEMENT

Education

Training and education are critical components for the KDCA team, attending local, state, and national trainings, to ensure they have the expertise to engage, investigate, and advocate for best practice, policy and systems change.



Outreach

KDCA recognizes outreach as an integral component of service delivery. Throughout 2023, KDCA provided information materials and presented to a variety of entities such as school districts, community mental health centers, child advocacy resource centers, CASA programs, and early childhood (0-3) programs. In addition, KDCA provides education and outreach materials and resource information through social media and the KDCA website.

Collaboration

KDCA participates as a contributing member on numerous boards, councils, and panels working to improve Kansas family and child wellbeing, such as the Citizen Review Panels, FFPSA ICAB meetings, and the Kan-LINK Steering Committee. In May 2023, the Child Advocate, along with numerous statewide child and family wellbeing stakeholders, had the honor of attending the small group listening session hosted by the Kansas Racial Equity Collaborative with Children's Bureau Associate Commissioner Aysha Schomburg.

Facilitation

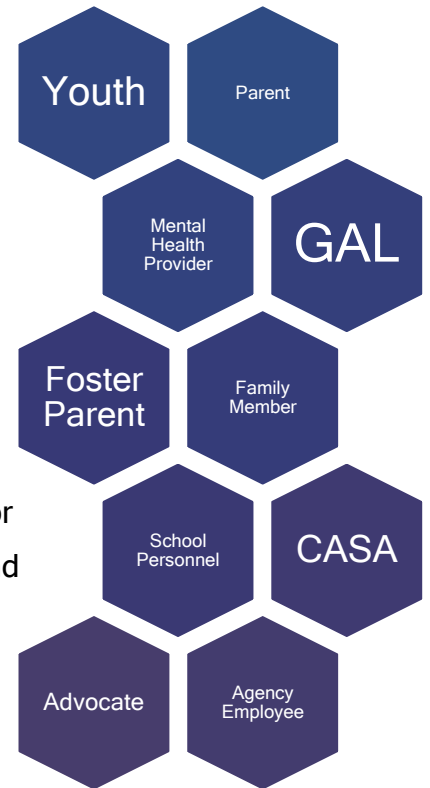
2023 also presented KDCA with a unique opportunity to partner with the Kansas African American Affairs Commission and Wichita community advocates to host small venue community conversations held in April, followed by a more focused conversation in July, “Decoding Foster Care: Exploring PPC and DCF Decision-Making Process” which included local panel members from DCF, community service organizations, and court representatives. Building on the momentum of a community invested, Wichita leaders and activists are engaged with the Kansas Leadership Council focused on identifying “the challenges involved in preventing the need for children to enter the child welfare system in Sedgwick County.”⁷ KDCA looks forward to seeing this momentum and community collaboration impact system change into 2024 and beyond.



KDCA COMPLAINT PROCESS

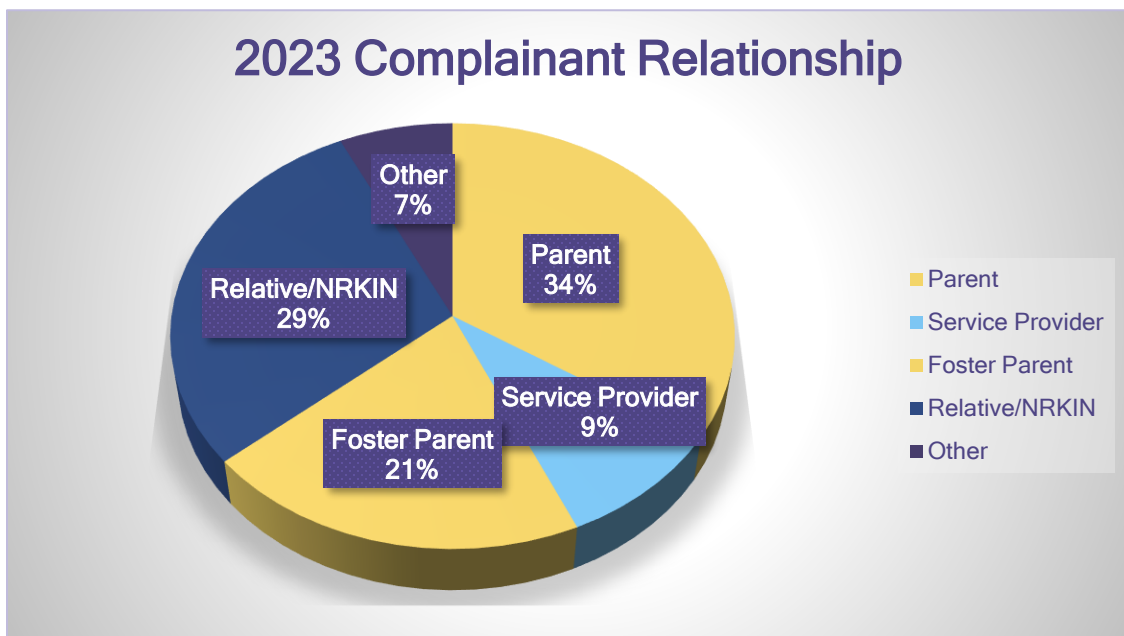
Who Can File a Complaint?

Any concerned citizen can file a complaint. The following are examples of individuals who might choose to file a complaint.



Types of Investigations

- **Case Specific Investigations:** Complaint alleges that an agency’s act or omission in a particular situation was not in compliance with law, policy, or procedure.
- **System Investigations:** Complaint alleges that a system wide or chronic problem exists in the delivery of services to families and children.
- **KDCA Initiated Investigations:** When an agency’s act or omission in service delivery, which appears to represent conduct that is systemic, recurring, and chronic, is adversely affecting child and family wellbeing.



Complaint Assessment

KDCA responds to complaints by providing information and referrals, brief and immediate assistance, or investigation.

Investigations can include assessment of chronic, system-wide issues that adversely affect families and children.

KDCA investigates complaints by or on behalf of a child alleged to be a child in need of care, adjudicated a child in need of care, or in the custody of the Secretary of DCF to determine whether DCF, case management grantee, or another state agency or service provider (including contactors, subcontractors and any juvenile court) violated law, policy or procedure, or unreasonably exercised authority, thereby adversely affecting the health, safety,

welfare or civil or human rights of such child.

Upon the receipt of a complaint, KDCA determines the level of assistance and whether a formal investigation will be initiated. If a formal investigation is initiated, the Division of the Child Advocate then provides notice to DCF, Case Management Provider, Child Placing Agency, or other appropriately identified agency contact. The identity of the complainant is kept confidential unless KDCA has been given explicit permission to share the information with the appropriate parties and KDCA determines it necessary to proceed.

The Division of the Child Advocate may respond in various ways, including but not limited to:

- Identifying and providing information and resource referral;
- Assisting complainants to better understand the role and responsibilities of child welfare agencies and system;
- Finding the complaint allegations are supported. KDCA may advocate to change a decision or course of action by DCF or another agency. This might include recommending changes to laws, policies, or procedures; and
- In some instances, although KDCA might conclude the agency is acting within its discretion and allegations unsupported, the complaint may still identify legitimate concerns. Resolution could include facilitating communication, providing education, or recommending changes to laws, policies, or procedures.

Investigation findings

At the conclusion of an investigation, the Division of the Child Advocate determines whether a complaint allegation is supported or unsupported. KDCA documents all formal findings. A supported finding, in some instances, may involve a past action or inaction. In this scenario, KDCA is unable to directly advocate for change in that particular case. However, instances where the situation is ongoing, KDCA may take steps to directly advocate for best practices attempting to resolve the complaint when possible.

“...Hopefully, this agency will gain a lot of insight from our case to improve how families are cared for...”

-- Complainant



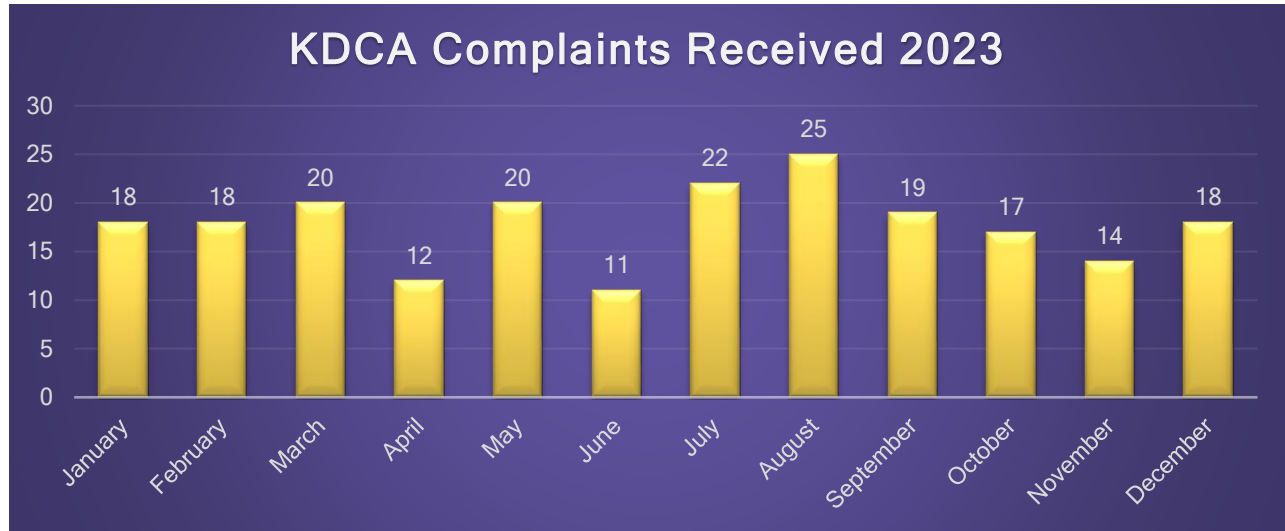
The Division of the Child Advocate may take action that includes, but is not limited to any combination of the following actions:

- recommendations for case specific course of action;
- recommendations for changes in policy, procedure, or practice that should be implemented to improve service delivery and accountability;
- recommendations to the agency for its own internal or external investigation, review or audit; or
- recommendations for legislative enactment’s that would improve services and accountability.

KDCA does not have the authority to:

- investigate allegations of abuse and/or neglect;
- interfere or intervene in any criminal or civil court proceeding;
- investigate individual complaints related to judges, magistrates, attorneys or guardians ad litem;
- overturn any court order;
- mandate the reversal of an agency/provider decision; or
- offer legal advice.

2023 INQUIRIES, COMPLAINTS & DATA



KDCA received a total of 214 formal complaints in 2023, involving 335 children. KDCA complaints received primarily involved concerns naming DCF and the foster care case management providers (SFM, TFI, KVC, and COC). KDCA complaints also included concerns voiced about judicial court partners (i.e. Judges, attorneys, and court clerk practices), law enforcement, KDHE, KDADS, KanCare-MCOs, and community mental health centers.

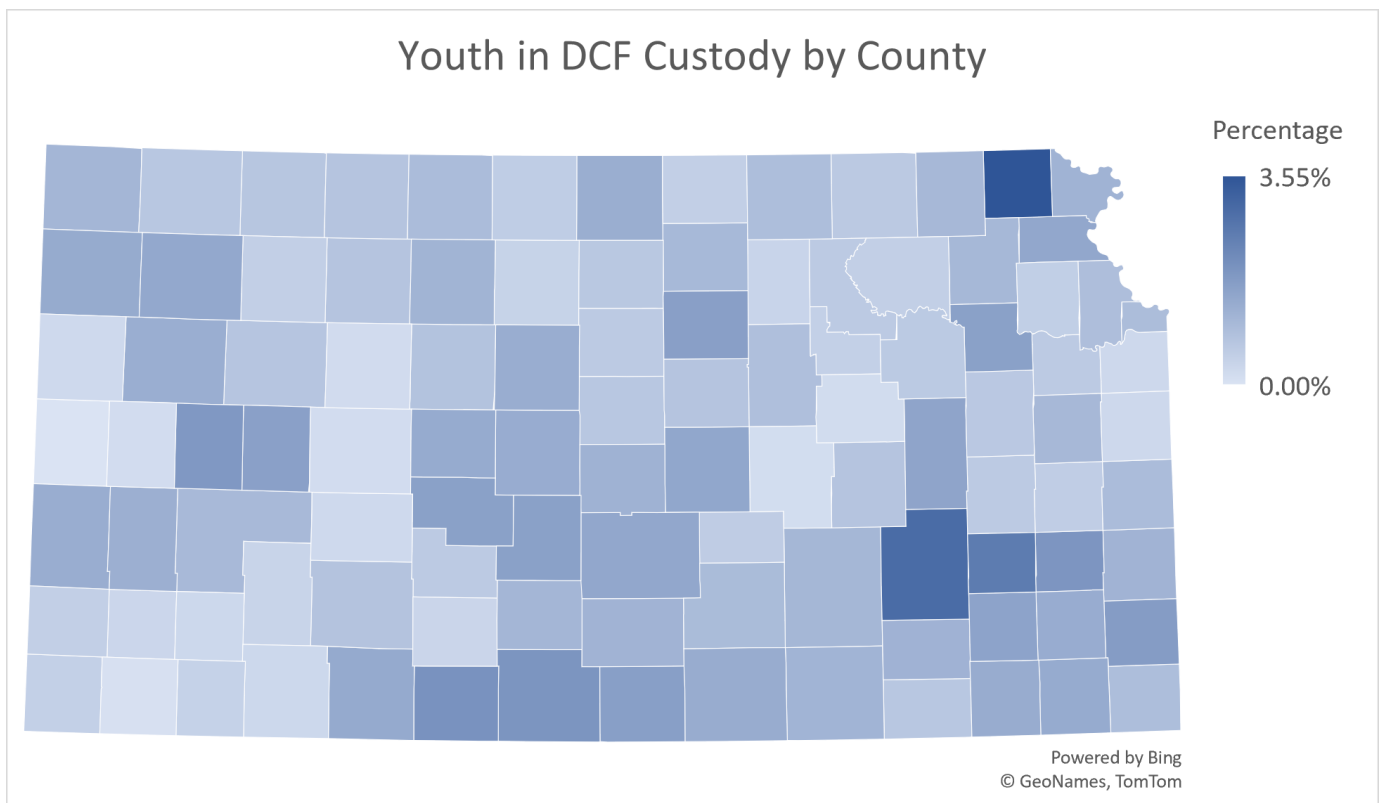
2023 Investigation Outcomes	Total Findings
Supported	63
Unsupported - With Recommendations	22
Unsupported - No Recommendations	54

2023 No Formal Investigation	
Out of Scope/Duplicate	18
Complaint Withdrawn	6
Loss of Contact	35
Resolution Reached with Assistance	71

2023 Complaint Investigation Activities	
Complaints Received	214
Children Involved	335
Formal Investigation Opened	60
Complaint Assessment Monitoring	4

KDCA believes it is important to consider the current child welfare system landscape. Nationally, 0.53% of children are currently in foster care.^{8, 9} The map below provides a snapshot of Kansas children in the custody of the Secretary of DCF as of November 30, 2023 compared to each county's population under 18.¹⁰

1.95% of all Kansas youth were in State custody on November 30, 2023.¹¹ Of particular note, the counties of Brown, Greenwood, and Woodson have the highest percentage of youth in care with 3.55%, 2.98%, 2.58% respectively. Meanwhile, the population centers of Johnson, Sedgwick, and Shawnee Counties have 0.26%, 0.99% and 1.65%, respectively.¹¹



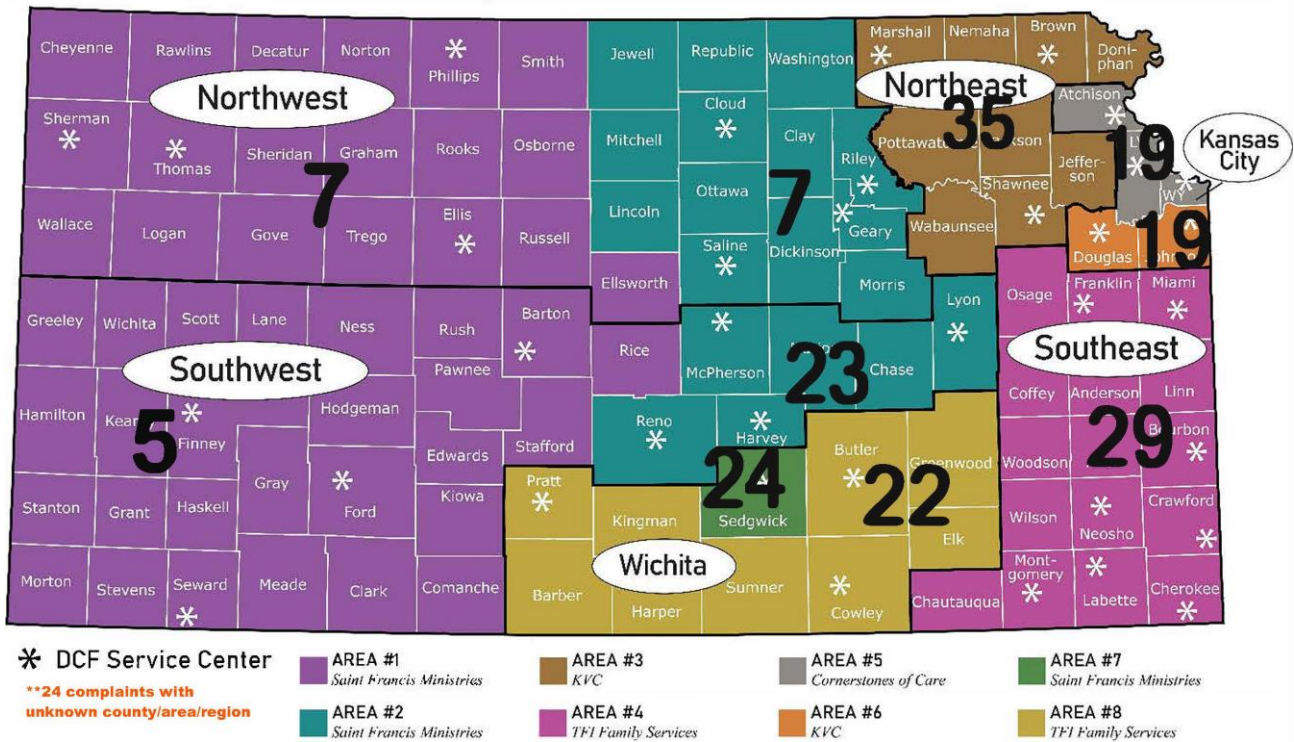
Another facet of the current landscape is the disproportionate number of minority children and families who are impacted by the child welfare system. Nationally, in 2021, Black and Hispanic children made up 14% and 19% of the general population respectively; however, they each comprised 22% of the children in foster care.¹² In Kansas, the trend is similar with Black children representing just over 6% of the general population and 14.4% of the foster care population.¹³ The overrepresentation of Black and Brown children in the Kansas child welfare system is seen at all stages, with Black children representing nearly 11% of the child maltreatment victims, and 14% of the children waiting for adoption.

Additionally, Black children are less likely to reunify with their parents and are more likely to exit foster care through other means, including emancipation. Nearly six in ten white children exited foster care in 2021 via reunification while just over four in ten Black children reunified. At the same time, white children exited care through something other than adoption, guardianship, or reunification in just over 14% of cases while Black children experienced this type of exit in nearly 20% of cases. ¹³

Equity in child welfare is a topic of national, state, and local importance. Round 4 of the CFSR placed an increased focus on identifying disparities in child welfare programs and outcomes ¹⁴ while organizations like the Kansas Racial Equity Collaborative ¹⁵ are providing resources at the state and local level to strengthen knowledge and accountability toward increasing equitable outcomes within the child welfare system. KDCA looks forward to expanded participation in these efforts.

KDCA 2023 Complaints by Region, Area, & CMP

DCF Regions & Catchment Areas



Complaint Reasons

KDCA tracks complaints in five main categories with several sub-categories. These main categories include: (1) Agency Conduct, (2) Child Safety, (3) Dependent Child Health, Well-Being, and Permanency, (4) Family Separation and Reunification, and (5) Other Complaint Issues. Individual complainants may raise concerns in more than one category. The table below provides a snapshot of complaints received in 2023 as to each of the main categories and the top three subcategories. Following the table are detailed descriptions of each complaint type, case examples, and a selection of identified strengths and agency responses.

Agency Conduct	Child Safety	Dependent Child Health, Well-Being, and Permanency	Family Separation and Reunification	Other Issues
<i>87 Complaints</i>	<i>57 Complaints</i>	<i>59 Complaints</i>	<i>74 Complaints</i>	<i>31 Complaints</i>
Poor Case Management, High Caseworker Turnover, Other Poor Service (27)	Failure to Protect Children from Parental Abuse or Neglect (20)	Unnecessary or Inappropriate Change of Child's Placement, Inadequate Transition to New Placement (17)	Failure to Provide Appropriate Contact Between Child and Parent and/or Other Family Members (Excluding Siblings) (18)	Concerns with Judicial Process (7)
Communication Failures (22)	Failure to Address Safety Concerns Involving Children Being Returned to Parental Care (15)	Unreasonable Delay in Achieving Permanency (15)	Unnecessary Removal of Child from Parental Care (14)	Lack of Support and/or Services to Foster Parent / Other Foster Parent Issues (6)
Unprofessional Conduct, Harassment, Conflict of Interest or Bias/Discrimination by Agency Staff (17)	Failure to Address Safety Concerns Involving Children in Foster Care or Other Non-Institutional Care (12)	Failure to Provide Child with Adequate Medical and/or Mental Health Services (12)	Other Family Separation Concerns (10)	Failure to Provide Parent with Services / Other Parent Issues (6)


“...I am hopeful that due to the you/Child Advocate office and expertise that changes will be made and DCF/agencies can support families instead of adding undue trauma. ...”

--Complainant



Agency Conduct: KDCA received 87 complaints which included concerns about agency conduct. These reports included issues with CMP, CPA, and DCF staff failing to return phone calls, provide requested or needed information or failing to follow policies for investigations. Complaints in this category also included reports of frequent changes in case managers, poor, missing, or inaccurate documentation, and unprofessional or retaliatory behavior by agency staff.

Strength identified: KDCA would like to note responsive communication from assigned case manager as exceptional. This includes detailed documentation and ongoing advocacy efforts for the child and family by case manager. Additionally, KDCA notes DCF investigation as thorough, containing extensive records review from collaborative partners for inclusive assessment of child safety and family wellbeing.



Agency Conduct

(Case Example)

Aftercare staff did not contact family until nearly a month after child had been placed at home and described services as voluntary. Regular in-home visits did not occur despite DCF policy requiring six months of aftercare services including in-person monthly contact between the CMP and children in DCF custody.

KDCA Recommended:

DCF require the CMP to hold an in-person meeting between the permanency team, aftercare team, family, and youth (if age-appropriate) to discuss the purpose, benefits, and expectations of aftercare services.

CMP review Policy 5270 with staff.

CMP Response:

[CMP] provides robust aftercare services. It is the expectation that the case team and aftercare team staff the case 30 days prior to permanency and work in partnership with the child and family to develop a time-limited aftercare agreement. Once a child is released from DCF custody and the Court case is closed, it can be challenging to engage children and families in services. This does not mean that the aftercare team does not try to maintain contact. As part of the aftercare process, the aftercare team works with the family to establish medical coverage for children... [CMP] will reiterate the need to assist families in submitting applications for medical coverage during our monthly aftercare team meeting. In addition, [CMP] will remind case teams and aftercare teams regarding policy surrounding the development of the aftercare agreement.

Agency Conduct

(Case Example)

Medically fragile child placed into custody and after 3 months in care, a case plan had not been held and there had been little communication between professionals and caregivers. KDCA made contact with CMP regarding the lack of case plan on multiple occasions over the course of five months.

KDCA Recommended:

CMP and DCF immediately notify the Court that no case plan had been completed.

A case plan be immediately scheduled and that invitations to all required parties, including both parents, sent.

DCF and CMP handle the case as if it were a new referral beginning with scheduling an Initial Family Meeting within 48 hours and completing an Initial Foster Care Plan. CMP should include this information in the court report.

CMP and DCF review policy and provide further training to staff to ensure that they understand the implications of failing to comply with policy regarding reasonable efforts and case planning.

CMP and DCF complete staff assessments to identify training needs in all areas of case management and provide remedial instruction in necessary areas.

DCF Response:

Thank you for the information and review in report... The Department for Children and Families agrees with the recommendations. We have requested the case plan be scheduled and completed and will follow up with the case management agency to assure completion.

Child Safety: In 2023 KDCA received 57 complaints in the Child Safety category. Concerns in this area include failure to protect children from parental abuse or neglect either before

Strength Identified: Intensive in-home services were offered and provided to the family to maintain (the children) within the home while under court jurisdiction.



removal, during reunification, or during visits. This category also includes concerns related to the safety of children in foster homes, group homes, residential facilities, or any other placement. Finally, this category

includes concerns related to inadequate worker child visits between the CMP and children in DCF custody.

Child Safety

(Case Example)

Concerns regarding child safety during unsupervised visits with parent. During document review and interviews, KDCA learned that CMP had viewed the visit space and did not have any concerns regarding the space. After KDCA involvement, CMP completed a second walkthrough of the space to address concerns raised during KDCA investigation.

KDCA Recommended:

“Walkthrough” documentation require written details about the home, not just a checklist.

If concerns are raised about the living situation, these should be addressed without delay during an unscheduled home visit.

CMP Response:

Recommendations re: child safety during visits with parents (unsupported). While [CMP] staff do complete a checklist when performing a walk through of the home, there are also various sections of this form where the worker documents specific observations and facts relating to any concerns noted on the checklist portion. Additionally, staff perform the walkthrough with the parent present and review any noted concerns at the time of the walkthrough as well as what actions must be taken by the parent to address these concerns. Whenever possible, the worker will attempt to help the parent address identified concerns during the walkthrough. For any concerns not able to be addressed at that time, the worker provides resources to the parent and will follow up to ensure the issue(s) is resolved. Once all issues are documented as resolved, the worker will complete a final report approving the home.

Dependent Child Health, Well-Being, and Permanency : Complaints received in 2023 included 59 concerns related to dependent child health, well-being, and permanency. This category includes concerns related to placement stability such as frequent moves by children, unnecessary changes in placement, inadequate transitions to new placements, and placements unable to meet a child’s unique needs. Other concerns in this category include failure to provide children with adequate medical, mental health, educational, or other services, ICPC issues, and failures to provide appropriate adoption support services.

DCF Response: DCF agrees with the recommendation that policy review regarding case transfers, including all related medical documentation, occur. As a child and family wellbeing system, all understand uninterrupted service provision and supplying caregivers with all information is essential to a child and family’s success.

CMP Response: Upon review of this case and with the help of the Division of the Child’s Advocate Office, (CMP) recognized a gap in policy related to dental services. (CMP) will make this adjustment and ensure timely services and documentation are completed. The updated policy will be reviewed with case management staff.

Dependent Child Health, Well-Being, & Permanency

(Case Example)

Delayed permanency and inability to enroll Child in school and other services due to DCF and KDHE failure to address barriers around issuance of birth certificate. After several months of DCF and KDHE working through the provisions of a MOU, the District Court ordered Vital Statistics to provide a birth certificate based on the information provided in an affidavit. Ultimately, the MOU between DCF and KDHE was executed and the delayed birth certificate for Child issued.

KDCA finds concern as to unreasonable delay in achieving permanency supported and that it is egregious that the bureaucracy between two state agencies took five years to resolve the issuance of the birth certificate. Extensive time and state and private resources, including that of the CMP, DCF, and the Court have been unnecessarily extended.

KDCA Recommended:

DCF work directly with all CMPs and complete an audit of all children presently in the custody of the Secretary to identify any child who does not have a valid birth certificate and/or social security card on file. For any child identified that does not have a valid birth certificate or social security card on file, a plan shall be implemented identifying known barriers, steps necessary to obtain the documents, identify specifically who shall be responsible for each task, and dates to accomplish such task.

DCF work directly with all CMPs to review policies and procedures as it pertains to obtaining legal documents (i.e. birth certificate and social security card), in conjunction with the new MOU established with KDHE, to ensure that documents are timely obtained.

DCF and KDHE work together to monitor MOU over a set period of time to ensure compliance and that MOU adequately addresses barriers in issuance of birth certificates for children in the custody of the Secretary.

CMP Response:

"[CMP] agrees with the recommendation for DCF to conduct an audit of all children presently in the custody of the Secretary to identify any child who does not have a valid birth certificate and/or social security card on file. [CMP] has initiated its (*sic*) own internal audit of this nature and will provide any information to DCF needed. For any child identified that does not have a valid birth certificate and/or social security card on file, a plan will be developed and implemented to address any barriers and steps necessary to obtain the documents including who will be response for each task and the dates to accomplish the tasks. [CMP] already has a single point of contact for ordering birth certificates. [CMP] is hopeful that the MOU between DCF and KDHE will further improve the timeliness for requesting birth certificates. Once details of the MOU and corresponding procedural updates are received, [CMP] will update our staff practices and policy and procedure manual accordingly."

Family Separation and Reunification: 2023 complaints included 74 reports related to family separation and reunification. Concerns in this category include failures to provide adequate visitation between children and parents, relatives, or siblings, unnecessary removal of children from parental care, and failure to place children with relatives and/or siblings.

Strength Identified: CMP utilized various options for visits, both in-person and virtual, as well as accessing PMTO services, to enhance quality visitation while also considering therapeutic recommendations and child’s well-being.

Strength Identified: The family and CMP worked expeditiously to place the children back with the parent, while providing supportive services and maintaining court jurisdiction.

Strength identified: Documentation noted (CMP) case manager had built rapport with parent and maintained frequent communication and engagement with parent.

Family Separation & Reunification

(Case Example)

Allegation of an unnecessary removal of a newborn from first-time teen parents. Parents had little income, no transportation, and no phone service due to lack of financial resources. Parents were cooperative with DCF and had initiated services with other community providers. Case highlights the need for additional training of staff with regard to poverty vs. neglect, careful scrutiny of medical records, as well as need to ensure that reasonable efforts to prevent removal are provided. KDCA found the allegation supported due to lack of compliance with a significant number of DCF policies.

KDCA Recommended:

DCF fully assess a family prior to requesting law enforcement assistance or attendance.

DCF ensure CPS workers are utilizing the preventative and protective aspects within policy to eliminate unnecessary trauma to families.

Medical records are carefully reviewed for discrepancies when utilized in determining outcomes of allegations.

Affirmed finding of physical neglect be reevaluated for Event [X]

Other Complaint Concerns: Finally, complaints received in 2023 included 31 issues that fell outside the four previously named categories. By nature, this category is broad; however, concerns in the category include issues with appropriate services and supports to parents, relative/fictive kin placements, or foster parents. Other issues in this category include concerns about the impact of judicial process and quality legal representation for children and parents.

Other Complaint Concerns

(Case Example)

Concerns in the judicial process of a youth's CINC case and the actions/inactions by the County Attorney. (While KDCA does not have authority to investigate individual complaints related to judges, magistrates, attorneys or GALs, KDCA does seek to ensure adequate coordination of child welfare services.) KDCA noted that case file did not contain Journal Entries, beyond Adjudication, for over a year. A lack of journal entries or written court orders can impact the type of services, case planning, and responsibilities of the Case Management Provider and DCF.

KDCA Recommended:

Diligent efforts be set forth to ensure Journal Entries and Orders by the Court are prepared and filed timely as delineated in Kansas Supreme Court Rules, and a copy of any court order be provided to all parties directly following approval. KDCA encourages DCF and CMP reach out to the panel attorneys, County Attorney, and Court to coordinate efforts to address current practices in drafting, finalizing, and disseminating Journal Entries and Orders.

CMP Response:

"...[CMP] has discussed with the court the importance of the CMP having Journal Entries and Orders timely. Without timely court documents, it is difficult to provide all needed services to youth in care. [CMP] acknowledges that there are barriers to receiving Journal Entries and Orders in a timely fashion, such as E-file being down for several weeks and a backlog of Journal Entries. However, the delay has caused issues for youth in care. This backlog has resulted in one Journal Entry being issued for multiple court dates, rather than an individual JE for each hearing. At times, [CMP] has used the GAL to attempt to obtain court reports. In one instance, a Journal Entry was never received on a youth who was granted guardianship, which caused the youth to not receive subsidy and a medical card when the youth turned 18. [CMP] will continue to discuss the importance of receiving the Journal Entries and Orders with the court, including sharing specific recommendations from KDCA with the court. [CMP] has also communicated with DCF about the agency's response to KDCA over this concern...."

A complete list of all 2023 KDCA recommendations can be found in Appendix A.

POLICY & PROCEDURE CONSIDERATIONS

❖ PLACEMENT STABILITY AND MENTAL/BEHAVIORAL HEALTH

KDCA encourages the continued efforts and research DCF has initiated to address placement stability and better meeting the mental and behavioral health needs of youth in care. KDCA recognizes and supports the work by the 2023 Special Committee on Mental Health to include efforts that enhance access, availability, and quality mental health services.

❖ HIGH-QUALITY LEGAL REPRESENTATION

A thread that is consistently weaved throughout a large percentage of the experiences shared with KDCA includes dissatisfaction when it comes to the legal representation. This includes representation to parents through court appointment in child in need of care cases, and more so when it comes to questions about the Guardian ad Litem (GAL), attorney appointed to represent the best interest of the child. This issue was illuminated during the 2023 Legislative Session through the introduction of House Bill 2381. This bill, as originally proposed, would change the current schematics to require the court appoint a client directed attorney to represent the child with the option of appointing a GAL in addition to, versus the present alternative.¹⁶ The introduction of this bill raised many voices, in support and in opposition, sparking important conversation and debate.

It is prudent to provide a general, albeit not comprehensive, framework for Kansas around legal representation under the Kansas Code for Care of Children.¹⁷

KSA 38-2205¹⁸ sets out the right to counsel and GAL appointment. In all cases, a child shall be appointed, “attorney to serve as guardian ad litem.” This attorney is tasked not only by statute to complete an independent investigation, but is also subject to Supreme Court Rule 110A Standards for Guardians ad Litem¹⁹ as well as the Kansas Rules of Professional Conduct for attorneys.²⁰ KSA 38-2205 also provides that a parent may be represented by an attorney and provided information about their rights at the first hearing and shall be appointed an attorney if financially unable to employ an attorney.¹⁸ Under the current Kansas scheme, court appointed attorneys receive payment for their services through county district court dollars based on local

agreements. Compensation, case assignment, and caseloads vary widely across jurisdictions. Payment for a fulltime workload is often equivalent to part-time, with no benefits and no formal support. In the majority of jurisdictions, there is no framework to



formally promote best practices, including case load management and supervision. Kansas has practitioners providing high-quality representation to parents and as GAL for children. However, this pool of high-quality practitioners has diminished over the years as Kansas courts struggle to find attorneys with the specialized training and expertise needed in dependency cases willing and able to accept court appointed cases. This is

particularly challenging in rural and frontier jurisdictions. In fact, in November 2022, Kansas Chief Justice Luckert enacted the Rural Justice Initiative, noting that 80% of practicing attorneys lived in just 6 counties.²¹

Kansas is in a posture to explore its current appointment model to determine whether or not this structure best serves children and families. KDCA encourages policy makers, judicial and attorney representatives, service providers, and other community stakeholders to capitalize on this timely discussion for system improvement. In so doing, KDCA recommends the following:

- Explore other state models, including funding sources and best practices, for quality legal representation for parents, Guardian *ad Litem*s, and attorneys for children.
 - Request the Judicial Council, Supreme Court Taskforce on Permanency Planning, the Kansas Bar Association, Kansas District Judges Association, Kansas Association of Counties, and other identified legal stakeholders to provide framework for current compensation tables and identify what necessary changes would be required to promote best practices, case load management, supervision, support, and meet best

practice training needs, as well as current attorney capacity across the state regions and judicial districts.

- Identify and explore other federal, state, local, and grant funding opportunities and models.
- Office of Judicial Administration explore the production and dissemination of a best practices handbook or guide for parent attorneys, GAL, and child’s attorney, further developing and expanding the present available resources. ^{22, 23, 24, 25}

Research supports that high-quality legal representation directly impacts perception of fairness in the process, increases the rate of reintegration, decreases the length of time a child awaits permanency, and reduces the overall time in care. ^{26, 27, 28}

❖ EXPANDED APPELLATE RIGHTS

KDCA has received a number of concerns voicing frustration with the limited appellate rights post termination beyond the district court level under the Kansas Code for Care of Children. ¹⁷ KSA 38-2273 ²⁹ sets out appealable orders and limitations. A recently published 2023 Kansas Court of Appeals decision highlighted this very issue. ³⁰

Appellate court access is a vital component in safeguarding protections, equal access to justice, oversight, and accountability. KDCA stands by these integral principles, yet strongly cautions against rash action to expand appellate rights under the Kansas Code for Care of Children without fully vetting to ensure that any change in the present process includes (1) a comprehensive examination of KSA 38-2273 legislative history and applicable case law, (2) ensures equal access to due process to all parties, and most importantly (3) places the child at the center, balancing best interest of the child in conjunction with child’s time and their right to permanency.



❖ CHILD DISCLOSURE AND DCF FINDING

KDCA received multiple concerns related to the application of affirmed, substantiated and unsubstantiated findings of sexual abuse allegations in DCF investigations. Specifically, when allegations are unsubstantiated despite supportive evidence which may include child disclosure, the DCF finding can greatly impact a child's safety, wellbeing, and furthermore, their permanency in CINC proceedings.

KDCA Case Example: Allegations of sexual abuse were unsubstantiated by DCF despite child's clear and consistent disclosures. The alleged perpetrator denied sexual abuse allegations including any sexual stimulation. The unsubstantiated finding was given substantial weight in the child's CINC proceedings resulting in the child's ordered return to alleged perpetrator.

DCF policy details criteria for a substantiated finding of sexual abuse to include sexual stimulation to the child, perpetrator or any person.⁶ KDCA finds concern in the difficulty to ascertain stimulation, especially when an alleged perpetrator denies allegations. While DCF may not be able to substantiate sexual abuse, KDCA recommends DCF review case specific facts, evidence and particularly a child's disclosure for affirming or substantiating emotional abuse, physical abuse or neglect. KDCA encourages DCF seek multidisciplinary collaboration, including consultation with Child Advocacy Centers, to review sexual abuse definition and the application of child's disclosure when determining case finding.

❖ REDUCE THE NUMBER OF CHILDREN AND YOUTH IN CARE.

Prevention: Continue support and expansion of community-based prevention, including mental/behavioral/developmental health services, family supportive substance use treatment programs, affordable childcare, safe and affordable housing, food security, access to affordable healthcare, and early childhood development and education.

Narrow the Door: Narrow the statutory provisions for removal and placing a child in the custody of the Secretary and out-of-home.

- Request the Department for Children and Families partner with the Judicial

Council and Supreme Court Taskforce on Permanency Planning, and other identified multi-disciplinary taskforce/council/committee to research a compilation of other state statutory provisions, focusing on more clearly defining and distinguishing poverty from neglect, as well as situations where families are struggling with mental health and behavioral needs that do not meet the definition of “abuse” or “neglect.”³¹

Distinguish Safety vs. Risk: The Department for Children and Families, foster care case management providers, child placing agencies, other service providers, and court partners collaborate to explore other state statutory and policy provisions, approaches, training, and best practices in narrowly tailoring case plan goals and tasks for parents, strengthening parent engagement, to specifically address the identified safety concerns. Once demonstrated, ensure children return home timely with intensive Aftercare Services³¹ and continued court oversight, when appropriate, to support sustainability, success, and address remaining identified risk factors preventing reentry.

Permanency: Consider expanding other permanency options, including SOUL and exploring post permanency contact agreements.^{32, 33}

LOOKING TO 2024

As KDCA embarks on year three, recognition continues to internal areas of growth and improvement. Assessment and evaluation of our processes remains ongoing and evolving. We welcome open dialogue with our child welfare system stakeholders, including agency representatives and those that have sought direct assistance, bravely sharing their experiences and concerns.

KDCA remains focused on improving timeliness in processing complaints, highlighting opportunities for immediate assistance, advocacy, impact, and attempts to resolve the concerns expressed when possible. KDCA has developed a process to track recommendations from the prior year, agency responses, and overall impact and looks forward to implementation and lessons learned.

KDCA welcomes collaboration with bi-partisan leadership, policy makers, and child welfare system stakeholders in establishing statutory authority, building on the progress created under the current Executive Order, ensuring the ongoing ability to remain independent, ensuring confidentiality of complainants and records, ensuring access to all records - specifically the need for direct access to court files, and other necessary provisions to operate effectively, efficiently, and impactfully.

KDCA will continue prioritizing outreach and networking opportunities with stakeholders, community partners, families, and youth, as well as educational presentations and materials. We look forward to ongoing participation and growing collaborative efforts committed to improving children and family well-being, including but not limited to continued participation on:

- Citizen Review Panel: Intake to Petition and Custody to Transition
- Family First Prevention Services Act (FFPSA) Kansas Strong Statewide Interagency and Community Advisory Board (ICAB)
- Kan-LINK Steering Committee
- United States Ombudsman Association (USOA) Children and Family Chapter

KDCA is excited to see the joint efforts of so many bring to fruition the 2024 Kansas Child Welfare Summit in April. There is hope in the intention, commitment, energy, and level of expertise in collaboration to identify the steps necessary to have impactful change and meet the needs of our most vulnerable families and children.



FREQUENTLY USED ACRONYMS

ABA	American Bar Association
ACF	Administration for Children and Families
APPLA	Another Planned Permanency Living Arrangement
BIS	Best Interest Staffing
CASA	Court Appointed Special Advocates
CFSR	Child and Family Services Review
CINC	Child In Need of Care
CMH SCAN	Children’s Mercy Hospital: Safety, Care, and Nurturing
CMP	Case Management Provider
COC	Cornerstones of Care
CRP	Citizen Review Panel
CPA	Child Placing Agency
CPS	Child Protection Specialist
CWCMP	Child Welfare Case Management Provider
DCF	Department for Children and Families
FBA	Family Based Assessment
FFPSA	Family First Prevention Services Act
GAL	Guardian ad Litem
HIPPA	Health Insurance Portability and Accountability Act
HHS	US Department for Health and Human Services
ICAB	Kansas Strong Interagency and Community Advisory Board
ICPC	Interstate Compact for the Placement of Children
ICWA	Indian Child Welfare Act
IL	Independent Living
ILP	Independent Living Program
JE	Journal Entry
KDADS	Kansas Department for Aging and Disability Services
KDCA	Kansas Division of the Child Advocate
KDHE	Kansas Department of Health and Environment
KDOC	Kansas Department of Corrections (JS - Juvenile Services)

KFAN	Kansas Family Advisory Network
KOVA	Kansas Organization for Victims Assistance
KSDE	Kansas State Department of Education
KYAC	Kansas Youth Advisory Council
MCO	Managed Care Organization
MOU	Memorandum of Understanding
NACC	National Association Council for Children
NICHHD	National Institute of Child Health and Human Development
NRKIN	Nonrelated Kin
OJA	Office of Judicial Administration
PPM	Policy and Procedure Manual
PPC	Police Protective Custody
PPS	Prevention and Protection Services
PRC	Protection Reporting Center
PS-TDM	Placement Stability Team Decision Meeting
SFM	Saint Francis Ministries
TDM	Team Decision Meeting
TLP	Transitional Living Program



APPENDIX A

Executive Order 21-28 directs the Kansas Division of the Child Advocate to include “any recommendations for improving the delivery of child welfare services to reduce complaints or improving the function of the Division of the Child Advocate” in the annual report.³⁴ These recommendations are listed below, organized by primary complaint category.

- **Agency Conduct**

- [CMP] review [DCF] Policy 5270 with staff.
- [CMP] review Department for Children and Families (DCF) Policy 3005 with all staff and ensure a followed procedure on Case Transfer Staffings. This includes completing PPS 3006 and reflected in case file.
- [CMP] review with staff the “Foster Care Bill of Rights” (House Bill 2024, which goes into effect on July 1, 2023).
- [CMP] provide ongoing training to staff on the importance of customer service and timely service initiation.
- [CMP] upper management to evaluate training, supervision, and support of case teams to ensure that they have the time and means to properly enter and document all efforts, activities, and communications.
- [CMP] and DCF complete staff assessments to identify training needs in all areas of case management and provide remedial instruction in necessary areas.
- [CMP] address with staff the importance of timely compliance with policy and court orders.
- Assigned case management teams provide reasonable efforts for children and families in reunification. As detailed in [DCF] policy, this includes CMP engagement with parents early and ongoing in a case, as well as CMP providing direct hands-on assistance to parents to access, initiate and coordinate services, obtain tangible resources, and building supportive relationships/safety network. KDCA further recommends additional training to staff on engaging with parents and means of providing reasonable efforts.
- [CMP] place equal value on its own compliance on case plan tasks as it does from parents. [CMP] should ensure that monthly home visits/worker parent visits are occurring, announced or not, and are utilized for discussion of case plan tasks as described in case plan. Further, that [CMP] place high value on their role in direct observation of parent child interactions, particularly when outlined

in case plans that parents are to demonstrate what they have learned in parenting classes.

- DCF require CMP to hold an in-person meeting between the permanency team, aftercare team, family, and youth (if age-appropriate) to discuss the purpose, benefits, and expectations of aftercare services.
- [CMP] and DCF immediately notify the Court that no case plan has been completed. KDCA further recommends a case plan be immediately scheduled and that invitations to all required parties, including both parents, are sent.
- DCF and [CMP] handle the case as if it were a new referral beginning with scheduling an Initial Family Meeting within 48 hours and completing an Initial Foster Care Plan. [CMP] should include this information in the court report.
- [CMP] and DCF review policy and provide further training to staff to ensure that they understand the implications of failing to comply with policy regarding reasonable efforts and case planning.
- DCF, CMP, and CPA evaluate, in whole, communication practices, specifically considering best practices in communicating to prospective adoptive resource families with an end goal of preserving the relationships, investment, and confidence in the child welfare system.
- [CMP] and [CPA] initiate regular meetings to address both case specific concerns and barriers, as well as non-case specific review of communication processes and practices to better strengthen collaboration and team approach in supporting children and foster family placements.
- Case Plans be held in person whenever feasible, particularly in cases involving Youth participants, to ensure Youth engagement, clear communication and understanding, and if not in person, then via video. And if two separate case teams are involved, (i.e. Permanency team and Independent Living team) that as part of the Case Plan there is an intentional time frame set aside for both case teams to participate and coordinate needs and services.
- Whenever two separate case teams are assigned, that an in person (or if necessary, via video) joint team meeting, that includes professionals, parents, youth, and placement, be held as early as possible to ensure all parties understand the role of each, lines of communication, expectations, and responsibilities.
- Case managers should willingly provide supervisor information and grievance procedure when it is requested and document it clearly.
- [CMP] provide additional training to staff on complete and accurate documentation, including writing/drafting court reports. KDCA further recommends that DCF ensure that required documentation is provided to them timely by CMP, and that corrective action be taken when work is not verified through such documentation.
- Documentation should be objective and not contain subjective interpretations or unnecessary information.
- DCF and [CMP] log all contacts with all parties during a case, including email, text, and phone, using pdf copies of actual messages or documents when available.

- Information be accurate and inclusive when provided by [CMP] to ensure comprehensive and thorough KDCA review.
- [CMP] continue to educate employees regarding HIPAA, with emphasis on the effects a breach can have on individuals as well as [CMP] relationships with families.
- **Child Safety**
 - [CMP] clarify supervision expectations and thoroughly document such expectations upon placement of children in all types of placements, particularly for those children with risk factors that may affect their safety.
 - Staff receive additional training to increase responsiveness to customer concerns and child safety factors. [CMP] should ensure that staff understand and follow through with timely response to concerns and that staff fully understand steps to obtain access to placement provider and child.
 - [CMP] review and amend their internal policy to ensure fingerprints are obtained prior to placement for approved homes. The current policy does not appear to align with that of DCF.
 - “Walk through” documentation require written details about the home, not just a checklist. It is further recommended that if concerns are raised about the living situation, that this is addressed without delay during unscheduled home visit.
 - DCF modify policy to ensure that children are seen in-person monthly with no more than 45 days between visits. Current policy allows for children to potentially go up to 61 days between visits with CMP staff. (This recommendation also appeared in a 2022 report.)
 - DCF modify policy 3237 to ensure that at least half of worker child visits occur in the child’s placement with no more than 90 days between visits in the child’s placement.
 - [CMP] make efforts to facilitate communication via regularly scheduled, face to face, in home visits with parents, children and other parties as required by policy and best practice, and to clearly document interactions of all successful or unsuccessful contacts regardless of the form of contact.
- **Dependent Child Health, Well-Being, and Permanency**
 - DCF and [CMP] ensure compliance with policy and following requirements on notice to move a child.
 - [CMP] review and comply with policy and practice in communication and collaboration when considering if a disruption is the only means of providing safety for the child.
 - [CMP] review [internal policy for placement stability efforts] with their staff, ensure that staffings are occurring as required by policy, and review with staff the need for complete and accurate documentation.
 - DCF, [CMP], and [CPA] review policy and practice in communication and collaboration when changes to household composition are being contemplated and the possible impact that will have on children placed in that home to ensure necessary information regarding the needs of all children are adequately conveyed, weighed, and considered.
 - DCF, CMPs, and CPAs ensure clear formalized procedures around best practices when reviewing placement disruptions and moves whenever a license

- exception would be required and that such procedures initiate prior to any move.
- DCF/[CMP] receive ongoing training regarding the importance of education stability and critical impact that moves, and transition have on academic success, as well as overall social/emotional wellbeing. Every decision addressing placement and education moves should include a critical analysis on impact and trauma, as well as youth voice. KDCA encourages this critical analysis to include exploration of other outside of the box thinking and consideration.
 - DCF, [CMP], and their judicial partners, coordinate efforts to engage and educate other community partners as to the necessity of safety planning to preserve placement and reducing trauma.
 - A PS-TDM be conducted forthwith to include previous placement/s and children's therapist/s, to consider most appropriate placement, consider all safety/risk factors, and identify any resources or changes needed. Further, interested parties and other potential adoptive resources are to be notified and provided the opportunity to express interest.
 - [CMP] review placement policies with staff to ensure that decisions are made utilizing correct policy and procedures.
 - [CMP] and [CPA] agencies work together with placements and children to find options that serve the child's best interests as well as attend to placement concerns.
 - When a Youth in care is also a parent, that all efforts are made to ensure that Youth and their child are placed together as soon as initial safety issues are addressed. If separate placement is warranted, that documentation clearly supports this determination ongoing, that frequent family time is facilitated, and that placement is evaluated at a more regular interval and barriers preventing placement together are timely addressed.
 - DCF review with all staff, contractors, and community partners alternatives to suggesting custody in order to access case management and mental health services, and instead explore and connect to services to support child remaining in home safely.
 - DCF review the policies and procedures of California, New Hampshire, and Wisconsin regarding the formation of treatment teams and regular meetings. Each of these states require that the case team, foster parent, and other support staff hold at least quarterly meetings for children with special needs or who are receiving certain services. KDCA further recommends DCF develop similar policies requiring CMP, CPA, and other service professionals to meet quarterly for any child rated at Basic 3 or above. ^{35, 36, 37}
 - [CMP] include both the parents and foster parent in future medical appointments and developmental evaluations and address any concerns or behavioral issues together to ensure that all of Child's needs are met.
 - DCF and [CMP] establish clear policy and practice regarding consultation and transition of mental health services when child enters custody to ensure continuity in services and recommendations to timely and adequately meet

- child's needs, including consideration of providers recommendations as to placement and level of care.
- If availability of [dental] providers is limited based on a child's insurance and/or accessibility, DCF coordinate with [CMP] as to barriers and seek relevant stakeholder collaboration and identify actionable resolution.
 - DCF work directly with all CMPs and complete an audit of all children presently in the custody of the Secretary to identify any child who does not have a valid birth certificate and/or social security card on file. For any child identified that does not have a valid birth certificate or social security card on file, a plan shall be implemented identifying known barriers, steps necessary to obtain the documents, identify specifically who shall be responsible for each task, and dates to accomplish such task.
 - DCF work directly with all CMPs to review policies and procedures as it pertains to obtaining legal documents (i.e. birth certificate and social security card), in conjunction with the new MOU established with KDHE, to ensure that documents are timely obtained.
 - DCF and KDHE work together to monitor MOU over a set period of time to ensure compliance and that MOU adequately addresses barriers in issuance of birth certificates for children in the custody of the Secretary.
 - Agencies to utilize family friendly alternatives to provide the best outcomes for children in the shortest timeframes. The American Bar Association (ABA) offers a guide regarding sufficient, feasible and sustainable in-home safety planning demonstrating reasonable efforts to prevent out of home placement.³⁸
 - Alternate permanency options to be considered earlier in case planning that may include preserving a relationship between children and their natural parents even when reunification may not be achieved.
 - DCF and [CMP] work with independent living or APPLA staff to establish best practices that facilitate communications between older youth and their families and support networks, decreasing potential for triangulation, and tapping natural support networks and resources. For example, this might entail formal mediation between youth and family to establish agreed upon goals and lines of communication.
 - [CMP] adapt policy to more clearly delineate that the ICPC process should be initiated without delay as soon as a relative or NRKIN family has been identified as potential placement and/or adoptive resource.
 - DCF ICPC liaison be assigned and monitor this case for expedient submissions of ICPC requests.
 - [CMP] immediately assign a new ICPC to be completed and expeditiously submitted for [Grandparent] and any other relative that continues to express an interest as placement and adoptive resource.
 - A new Adoption ICPC be immediately submitted to [Relative's] state with updated and additional information. [CMP] is encouraged to communicate with the other state as needed via the ICPC administrators.
 - DCF and [CMP] review the BIS process and procedures, specifically as it pertains to the ICPC process. [CMP] should initiate an open line of communication immediately upon receipt of contact information with the

receiving state's ICPC coordinator and home assessment writer that will be in the best interests of the child, but to also ensure that the Kansas adoption process and BIS process, is timely and thoroughly explained.

- A reasonable deadline for all adoptive home studies be established before the next permanency hearing. Care should be taken to ensure all other home studies and requirements are kept up to date. Further, the Best Interest Staffing, should be held within two weeks of the home study deadline to select the adoptive resource.
- Prior to or at the BIS, [CMP] explore each parties' feelings about post adoption contact with relatives/extended family, and that regardless of which adoptive resource is selected, that [CMP] cultivate with all parties the benefit of encouraging ongoing contact with all persons in the children's history that have provided important relationships.
- The Adoption Tracking Tool be fully completed, utilized, and updated throughout the case. Currently, there is not a place to track sibling splits on that form, and it is recommended that be added.
- DCF review policies and publications in an effort to increase the transparency surrounding the adoption subsidy process. It is further recommended that DCF provide additional education to CMP and CPA staff regarding the adoption subsidy process.
- **Family Separation and Reunification**
 - DCF provide ongoing staff training around exhausting all options to keep a child safe in their home as per DCF PPM 2473, as it is critical to reducing trauma to children and families as well as reducing the number of children in care. (this recommendation also appeared in a 2022 report)
 - [CMP] review policy and procedures as to Icebreaker meetings and parent/child visits.
 - DCF and [CMP] review policy and provide ongoing staff training related to contact with parents and facilitating family meetings with attention to timeliness, respect and empathy. Ongoing training is also recommended as to the importance of parent/child visits as well as the trauma of removal.
 - [CMP] staff should review training on importance of visits to reunification, as well as receive additional training on developing safety plans to mitigate risk factors.
 - Regular training should be provided to case management and court professionals that presents current research and recommendations for parent-child visitation, drug testing requirements and the impact on permanency outcomes. Furthermore, training should include visitation, or family time, to consider factors of child safety and not used as punishment or reward for complying with case plan tasks.
 - [CMP] advocates at court and/or in court reports that parent-child visits not be dependent on compliance with behavior, including case plan tasks or drug testing, rather, to focus on best interest of the child, and allow the agency to provide for safety or supervision as needed.
 - [CMP] review Policy 3237 with staff, specifically the sections titled Parent/Child Interaction and Exceptions for Interactions/Visitations.

- [CMP] review policy regarding the four allowable exceptions for visits being held in the home and when visits may be withheld.
- DCF amend Policy 3237 to provide clarification regarding what credentials are required for a person to be considered a mental health practitioner.
- [CMP] review with staff sibling visitation policy and ensure that any visits that are withheld are clearly documented with the policy describing the visit exception.
- DCF Foster Care and/or Adoption Liaison become involved in monitoring this case closely. That [CMP] assign a case team that is more responsive to working with the family, and immediately arrange for visits with [relatives] which includes a detailed and written safety plan to address any outstanding safety concerns.
- If [CMP] schedules visits [in this specific case] and if they require initial visit/s to be supervised, that such visit/s be supervised by neutral party.
- [CMP] provide clear guidance, including additional education and training, for staff on the definition of a sibling, a relative, and the importance of facilitating such relationships as soon as those individuals are identified.
- Additional training immediately be provided to staff on working with kin and importance of kinship connections.
- [CMP] work with relatives, [grandparent], and current foster placement to facilitate positive communication and foundation for relationship that is in Best Interest of child.
- DCF review NRKIN policy to ensure that there is no room for error or misinterpretation of the requirements and timeframes.
- [CMP] review case as a case study to better identify early intervention opportunities to support children and foster/kin/nonrelative kin families for improved placement stability, including mental health assessments/supports and PS-TDM processes and facilitation, as well as training opportunities around the Foster Parent and Foster Youth Bill of Rights.
- A substantial consideration evaluation immediately be completed and provided to the Court.
- [In this specific case], [CMP] provide grandparents and other relatives with all assistance needed to prepare as a potential adoptive resource.
- A new kinship search is conducted for relatives who may be interested.
- DCF review policy regarding a Sibling Split Request and Approval, considering an amendment requiring the approved sibling splits also be reviewed every 180 days (similar to the 90-day staffing) and incorporated as a part of case planning, until permanency is achieved to ensure that a continued split remains in the best interest.
- [CMP] review sibling placement and separation policies and practices with all staff, ensuring that at minimum a formal and documented Sibling Separation Staffing is held and the Form PPS 5146 documenting this 90-day staffing is thoroughly completed and saved in the case files. DCF and [CMP] should ensure that approved sibling split documentation is included with BIS staffing packet.
- DCF fully assess a family prior to requesting law enforcement assistance or attendance.

- DCF ensure CPS workers are utilizing the preventative and protective aspects within policy to eliminate unnecessary trauma to families.
- KDCA encourages DCF and [CMP] to reach out to panel attorneys, County Attorney, Court, and local law enforcement representatives to better inform and educate regarding the TDM process and prevention services.
- Medical records are carefully reviewed for discrepancies when utilized in determining outcomes of allegations, and that conclusions regarding [specific medical concerns] should be based on all available information, including consultation with medical experts.
- The affirmed finding of physical neglect be reevaluated for Event [#].
- **Other Complaint Issues**
 - Utilize solution and strengths focused techniques in working with families and development of case plans.
 - A copy of the signed case plan be provided to parents at the case plan meeting, and that proof of delivery is maintained in [CMP] file.
 - Case plan goals and tasks should include behavior specific outcomes if necessary for reunification. If case plan tasks are achieved, yet case is not progressing, new targeted goals should be established with parent, including explanation as to the “why”, and clearly defined steps and services to achieve.
 - Case plan tasks and services should be measurable and clearly defined as well as developed with the family, based on their individualized needs.
 - [CMP] comply with policy regarding parent/worker monthly contact, and to note that while in Reintegration, these contacts are required to occur at the family home.
 - [CMP] amend policy to add the verbiage of “in home visits” to parent monthly visits to align with DCF policy.
 - [CMP] consider alternative services to address the consistent concern of the home condition, as services provided have not been sufficient to keep the home free from ongoing health or safety risks.
 - [CMP] take client concerns about drug testing validity seriously, potentially as a formal grievance when raised as an issue by a client. KDCA further recommends that [CMP] consider paying for re-testing at another acceptable facility, particularly if results are different.
 - Case teams and foster parents are provided with training on parenting styles, and effective means of mitigating differences of opinion in parenting strategies. Case teams should be provided with training in transitioning parental responsibilities to adoptive resources and the importance of nurturing the relationship with foster/adoptive resources.
 - [CMP] should work toward empowering placements, particularly those that are adoptive resources, to be able to make decisions for the child, while providing them with historical information they may not have about their child or situations.
 - [CMP] provide education to staff regarding what a court order/JE is, and that [CMP] ensure that not only are the appropriate documents on file, but that the correct documents are provided upon request.

- DCF, [CMP], and [CPA] coordinate closely with ICWA Tribal Representative and GAL to ensure children maintain tribal connections, access to resources, ICWA placement preferences, and ongoing sibling contact.
- It is recommended that the district court review practices of completing journal entries timely. Multiple journal entries were missing in this case, and some that were available indicated that it was months between the hearing and the signing of the associated documents. It is difficult to understand and follow court orders when there is dispute about what happened in court, and when written orders are delayed by months.
- Diligent efforts are set forth to ensure Journal Entries are prepared and filed timely, as delineated in Kansas Supreme Court Rules, and a copy of any court order be provided to interested parties directly following approval.
- KDCA encourages Judicial District and the Office of Judicial Administration to review the procedural practices by the Court, including court administrator and clerk response to individuals attempting to file pleadings pro se, as well as practices to ensure that all parties, interested parties, or prospective interested parties are provided equal access and due process as outlined in statute and that the Court's documentation and journal entries adequately capture what occurred to eliminate any confusion or question.
- KDCA encourages the Courts, involved attorneys, DCF and CMPs to assess their practices for the elements of procedural justice to improve reintegration services.
- KDCA encourages Office of Judicial Administration (OJA) to continue providing education, training and support for quality legal representation and best practices. KDCA encourages collaboration between DCF, OJA and other stakeholders to expand attorney resources for best practice such as creating a handbook similar to the one Texas²² provides, called 2022 Tool Kit for Attorneys Representing Parents and Children in Child Welfare Cases.
- Statewide consistency in CRB process. Citizen Review Boards play a critical role in CINC cases and therefore should review processes such as (1) who is invited and expected to attend CRB hearings, (2) how the notice of CRB hearing is written and provided, (3) how CRB hearings are conducted and documented, ensuring that a clear outline for all parties/participants on how recommendations are provided to the Judge for review and subsequent timeline and procedure for any objection.

APPENDIX B

BIS Recommendations:

- ❖ KDCA recommends that prior to adoption of any policy or formal practice changes, a taskforce or workgroup be created, comprised of representatives of key stakeholders, including the judicial branch and legal community, to further investigate the process, best practices, and fully vet any proposed policy and procedural changes, including potential unintended consequences.
- ❖ KDCA recommends that CPA, CMP, DCF, Judicial Partners, and other key stakeholders consider creating a BIS Guide, including a decision-tree, to be shared with BIS Team, participants, and potential adoptive resources.
- ❖ KDCA recommends DCF consider amendment to current policy to state the BIS team consists of a single decision-making participant from each agency, and that person shall receive the confidential documentation listed previously. Current policy states all participants are BIS team members, and all participants shall receive social history, home studies, and sibling split if applicable.⁶ Further, it specifies that all who attend the entire meeting shall have a voice in the decision. The BIS decision-making team members should be clearly identified in policy.
- ❖ KDCA recommends relative placements, even with ICPC, be reviewed as soon as child comes into care, and strongly recommends that when agencies place with foster parents rather than relatives, intensive efforts are made to encourage, facilitate, and mediate relationships between the parties. The intent is that in the event of TPR, it is more likely the parties will be able to work together to determine the child's best interest, and at minimum, discuss adoption agreements for ongoing contact.
- ❖ KDCA recommends when "attachment" is considered that training, education, and practice reflect a "lens of cultural respect."³⁹
- ❖ KDCA recommends that as Kansas continues the discussion on consideration of attachment when selecting an adoptive resource and expanding the right to appeal decisions within the Code for Care of Children, that such discussion give great weight to the December 2, 2022 Kansas Judicial Council Report on the matter, including the impact on child's time, both intended and unintended consequences, and the right to fair and just access within our judicial process.⁴⁰

Sibling Separation and Sibling Split Recommendations:

- ❖ KDCA recommends DCF review policy regarding a Sibling Split Request and Approval, considering an amendment requiring the approved Sibling Splits also be reviewed every 180 days (similar to the 90-day staffing) and incorporated in case planning, until permanency is achieved to ensure that continued split remains in the best interest.
- ❖ KDCA recommends CMP review sibling placement and separation policies and practices with all staff, ensuring that at minimum a formal and documented Sibling Separation Staffing is held and the PPS 5146 documenting this 90-day staffing is thoroughly completed and saved in the case files.
- ❖ KDCA recommends that if a sibling split is approved, but the siblings are then placed together, the prior approved split would be void and a new sibling split request would be completed if necessary.
- ❖ KDCA recommends DCF, CMP, and CPA provide sibling split and separation training annually to all case management staff and foster parents ensuring that policies, forms, staffings, required parties, and Appendix 5X and 5I are reviewed. This training should include research that indicates the following:
 - Children’s best interests are served by placing them with siblings after removal from their parents.
 - If siblings cannot be placed together, children’s best interests are served by frequent visitation.
 - Placing siblings together reduces trauma caused by removal from parents.
 - Placing siblings together increases the chances of reunification with parents.
 - Placing siblings together increases the chances that children will be adopted.
 - Placing siblings together decreases the likelihood of placement disruptions.
 - Siblings in foster care may also look to each other as a unique source of support and help.
 - Placing siblings together reduces depression, self-blame, and anxiety.
 - Keeping siblings together improves each child’s educational competence and reduces behavioral issues in the classroom.
 - Keeping siblings together improves social skills in adulthood.
 - Maintaining sibling relationships requires regular contact when they are not placed together.
 - Children desire more contact with siblings after separation.

- Frequent sibling visitation leads to better mental health, social competence, and sense of stability and belonging.
- Frequent sibling contact leads to better financial stability later in life. ^{6, 41, 42}
- ❖ KDCA recommends that DCF consider a more refined definition of sibling relationships, relative to other states' provisions, and consistent with Kansas Statute. Other state definitions have included psychological bonds, stepsiblings, and siblings that originate from the same home. CFSR review instrument instructions defines siblings as "children who have one or more parents in common either biologically, through adoption, or through the marriage of their parents, and with whom the child lived before his or her foster care placement, or with whom the child would be expected to live if the child were not in foster care," ⁴³ and DCF has adopted the same language in policy, PPM 3237.⁶ However, the DCF definition of siblings is more narrow than that provided for in Kansas statute regarding a relative. KSA 38-2202 defines a Relative as "a person related by blood, marriage or adoption," and does not limit it to "living with" situation as in DCF policy. ^{44, 45}
- ❖ KDCA recommends that DCF consider piloting new approaches to relationship maintenance for siblings to better meet overall child wellbeing as well as improve CFSR outcomes.
- ❖ Many states have policy that provides for post-adoption or post-permanency agreements for lifelong contact if siblings are not adopted together. KDCA recommends that Kansas explore the use, application, and enforceability of post-adoption agreements.

References

- ¹ Kansas Division of the Child Advocate. (2023, June). Foster Parenting in Kansas. *Office of Public Advocates*. Retrieved from https://cdn.oits.ks.gov/media/docs/childadvocatelibraries/other-reports/kdca-foster-parent-survery-report-june-2023.pdf?sfvrsn=81267f21_7
- ² H.B. 2024. (2023). Retrieved from https://www.kslegislature.org/li/b2023_24/measures/documents/hb2024_enrolled.pdf
- ³ Keys, A. M.-O. (2017). Who are Christian foster parents? Exploring the motivations and personality characteristics associated with fostering intentions. *Social Work and Christianity*, 67-82.
- ⁴ Mihalo, J. R., Strickler, A., Triplett, D. R., & Trunzo, A. C. (2016). Treatment foster parent satisfaction: Survey validation and predictors of satisfaction, retention, and intent to refer. *Children and Youth Services Review*, 105-110.
- ⁵ Dunst, C. J., Jenkins, V., & Trivette, C. M. (1984). Reliability and validity. *Journal of Individual, Family, and Community Wellness*, 45-52.
- ⁶ Kansas Department for Children and Families. (2024, January). Prevention and Protection Services. *Policies*. Retrieved from https://content.dcf.ks.gov/PPS/robohelp/PPMGenerate/CFS_PPM2.htm#t=About_this_New_Format.htm
- ⁷ Kansas Leadership Center. (2023, August). Transforming Futures Together: DCF Partners with the KLC. *Kansas Leadership Center Newsletter*.
- ⁸ U.S. Census Bureau. (2021). AGE AND SEX. *American Community Survey, ACS 5-Year Estimates Subject Tables, Table S0101*. Retrieved from <https://data.census.gov/table/ACSST5Y2021.S0101?g=010XX00US>
- ⁹ The Annie E. Casey Foundation. (2023). Children in Foster Care in United States. Retrieved from <https://datacenter.aecf.org/data/line/6243-children-in-foster-care?loc=1&loct=1#1/any/true/2048,574,1729,37,871,870,573,869,36,868/asc/any/12987>
- ¹⁰ The Annie E. Casey Foundation. (2022). *Population Under 18 in Kansas*. Retrieved from <https://datacenter.aecf.org/data/tables/5907-population-under-18#detailed/5/2814-2918/false/574,1729,37,871,870,573,869,36,868,867/any/12533>

- ¹¹ Kansas Department for Children and Families. (2023). *Foster Care Adoption Summary Reports*. Retrieved from [Foster Care/Adoption Summary Reports - Prevention and Protection Services \(ks.gov\)](https://www.ks.gov/child-welfare/foster-care-adoption-summary-reports-prevention-and-protection-services)
- ¹² Children's Bureau. (2023). *Addressing Disproportionality, Disparity, and Equity Throughout Child Welfare*. Retrieved from ACF HHHS: <https://www.acf.hhs.gov/cb/focus-areas/equity>
- ¹³ Administration for Children and Families. (2022). *Child Welfare Outcomes 2019 Report: Kansas*. Retrieved from ACF HHS: <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/kansas.html>
- ¹⁴ Child Welfare Information Gateway. (2023). *Poverty and Neglect*. Retrieved from Child Welfare: <https://www.childwelfare.gov/topics/safety-and-risk/poverty-and-neglect/>
- ¹⁵ Kansas University School of Social Welfare. (2023). *Kansas Racial Equity Collaborative*. Retrieved from KU School of Social Welfare: <https://socwel.ku.edu/racialequitycollaborative>
- ¹⁶ H.B. 2381. (2023). Retrieved from https://www.kslegislature.org/li/b2023_24/measures/documents/hb2381_00_0000.pdf
- ¹⁷ Kansas Judicial Branch. (2023). *Child in Need of Care Code Book*. Retrieved from <https://www.kscourts.org/KSCourts/media/KsCourts/Trial%20court%20programs/CINC-Code-Book.pdf>
- ¹⁸ K.S.A. 38-2205. Retrieved from https://ksrevisor.org/statutes/chapters/ch38/038_022_0005.html
- ¹⁹ Supreme Court Rule 110A. Retrieved from <https://www.kscourts.org/KSCourts/media/KsCourts/Rules/Rule-110A.pdf?ext=.pdf>
- ²⁰ Reports of Rules Adopted by the Supreme Court of the State of Kansas. (2023). Retrieved from <https://www.kscourts.org/KSCourts/media/KsCourts/Rules/2023-Rule-Book.pdf>
- ²¹ Office of Judicial Administration. (2022). Examining unmet legal needs across rural Kansas. *Kansas Rural Justice Initiative*. Retrieved from <https://www.kscourts.org/KSCourts/media/KsCourts/court%20administration/Rural-Justice-Initiative/Rural-Justice-Initiative-Fact-Sheet.pdf>
- ²² The Children's Commission. (2022). Tool Kit for Attorneys Representing the Department of Family and Protective Services in Child Welfare Cases. Retrieved from

<https://texaschildrenscommission.gov/media/dbflm204/2022-tool-kit-for-attorneys-representing-dfps-in-child-welfare-cases-online.pdf>

- ²³ American Bar Association. (2006). Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. Retrieved from https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent_rep-stds.pdf
- ²⁴ The Supreme Court of the State of Ohio. (2023). Gaurdian ad Litem Programs. *Judicial Guide*. Retrieved from <https://www.supremecourt.ohio.gov/docs/JCS/courtSvcs/resources/GALToolkit.pdf>
- ²⁵ Gupta-Kagan, Joshua; Adams, LaShanda Taylor; Carter, Melissa Dorris; Pisani-Jacques, Kristen; Sankaran, Vivek S. (2022). *Child Welfare Law and Practice: Representing Children, Parents, and Agencies in Neglect, Abuse, and Dependency Cases*. The National Association of Counsel for Children.
- ²⁶ Sankaran, V., & Lander, I. (2007). Procedural Injustice: How the Practices and Procedures Of The Child Welfare System Disempower Parents And Why It Matters. *Mich. Child Welfare L.* Retrieved from <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1774&context=articles>
- ²⁷ Guggenheim , M., & Jacobs, S. (2019, December). Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children’s Time in Foster Care. *Child Law Practice Today*. Retrieved from https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/providing-parents-multidisciplinary-legal-representation-signifi/
- ²⁸ Family Justice Initiative. (2019). *Parent/Child Representation Research Overview*. Retrieved from <https://familyjusticeinitiative.org/data/research/>
- ²⁹ K.S.A 38-2273. Retrieved from http://www.ksrevisor.org/statutes/chapters/ch38/038_022_0073.html
- ³⁰ In the Interest of X.L., 126,025 (2023). Retrieved from <https://www.kscourts.org/KSCourts/media/KsCourts/Opinions/126025.pdf?ext=.pdf>

- ³¹ iFoster. (2023). *Lived Experience Guide to Fixing Foster Care*. Retrieved from <https://voiceoffostercare.org/wp-content/uploads/2023/05/2023-Voice-of-the-Community-Report.pdf>
- ³² Children's Alliance of Kansas. (2023). *SOUL Family*. Retrieved from Child Ally: <https://www.childally.org/soul-family>
- ³³ Kansas Division of the Child Advocate. (2023). *Best Interest Staffing Report*. Office of Public Advocates. Retrieved from https://cdn.oits.ks.gov/media/docs/childadvocatelibraries/other-reports/kdca.bis.report.sept2023.pdf?sfvrsn=96018832_7
- ³⁴ Office of the Governor. (2021). *Exec. Order No. 21-28*. Retrieved from <https://governor.kansas.gov/wp-content/uploads/2021/10/EO-21-28-Division-of-Child-Advocate-Executed.pdf>
- ³⁵ State of California Health and Human Services Agency. (2016, October 7). Mental Health Substance Use Disorder Services. *ALC No. 16-84*. Retrieved from <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2016/16-84.pdf>
- ³⁶ New Hampshire Division for Children, Youth and Families. (2002, February 19). 1605 Therapeutic Foster Care. *Policy Manual*. Retrieved from <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents/2021-11/dcyf-policy-1605.pdf>
- ³⁷ Wis. Stat. s. 35.93. (2022). DCF Policy 56.17. *Foster Home Care for Children*. Retrieved from https://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/56.pd
- ³⁸ Lund, T. R., & Renne, J. (2009). *Child Safety: A Guide for Judges and Attorneys*. United States of America: American Bar Association. Retrieved from <https://ocfcpacourts.us/wp-content/uploads/2021/09/1.-Child-Risk.-A-Guide-for-Judges-and-Attorneys.pdf>
- ³⁹ Jihad, M., & Handelman, J. (2022). The Weaponization of Whiteness in Child Welfare , NACC Volume 44-Number 03 Fall 2022. *The Guardian*, 44(3).
- ⁴⁰ Kansas Judicial Council. (2022). *Report of the Judicial Council Juvenile Offender Child in Need of Care Advisory Committee on the Consideration of Attachment When Selecting an Adoptive Resource for a Child in the Child in Need of Care System*. Retrieved from [https://www.kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/2022%](https://www.kansasjudicialcouncil.org/Documents/Studies%20and%20Reports/2022%20)

[20Reports/Attachment%20Study%20Report%20-%202022-%20Approved%20by%20JC.pdf](#)

- ⁴¹ American Bar Association. (2023). Sibling Relationships are Sacred: Benefit of Sibling Placement and Contact. *ABA*.
- ⁴² Missouri Department of Social Services. (2019). *Child Welfare Manual Section 6 Chapter 2*. Retrieved from dss.mo.gov: <https://dssmanuals.mo.gov/child-welfare-manual/section-6-chapter-2-resource-provider-training-stars-specialized-training-assessment-resources-and-support-subsection-5-in-service-training/>
- ⁴³ Administration for Children and Families. (2022). *Child and Family Services Reviews Onsite Review Instrument and Instructions*. Children's Bureau, Department of Health and Human Services. Retrieved from <https://www.cfsrportal.acf.hhs.gov/document/download/XqXYrg>
- ⁴⁴ K.S.A. 38-2202. Retrieved from https://www.ksrevisor.org/statutes/chapters/ch38/038_022_0002.html
- ⁴⁵ K.S.A. 38-2206. Retrieved from https://www.ksrevisor.org/statutes/chapters/ch38/038_022_0006.html



Office of Public Advocates | **Division of the Child Advocate**
Kansas Department of Administration

Landon State Office Building
900 SW Jackson St., Suite 1041 | Topeka, Kansas 66612
Office: 785-296-8642

ChildAdvocate@ks.gov

Contact Our Toll-Free Line at:
1-844-KS-CHILD/1-844-572-4453

Visit Our Website at:
childadvocate.ks.gov