

# Letter to DOB

## **Narrative Information—DA 400**

Division of the Budget

State of Kansas

Agency Office of the Child Advocate

### **KANSAS OFFICE OF THE CHILD ADVOCATE**

The mission of the Office of the Child Advocate (OCA) is to safeguard the right that all Kansas children have the right to be cherished, the opportunity to thrive, and are safe from abuse, neglect, and harm.

OCA 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.

#### **PROGRAM STATUTORY HISTORY:**

The Office of the Child Advocate was passed into law via Senate Bill 115, April 2024. The purpose of OCA is to ensure that children and families receive adequate coordination of child welfare services for child protection and care through services offered by the Department for Children and Families or the department's contracting entities, the Department for Aging and Disability Services, the Department of Corrections, the Department of Health and Environment and juvenile courts. The passage of SB 115 establishes OCA as its own state agency ensuring its independence and more clearly delineating its duties and authorities.

In October 2021, the Kansas Governor created the Division of the Child Advocate within the Office of Public Advocates under Executive Orders 21-27 and 21-28. The Division of the Child Advocate (KDCA) has merged with the Office of the Child Advocate as of July 1, 2024.

A number of directives have culminated in the area of child and family wellbeing. In 2017, House Sub. for SB 126 (2017) directed the Secretary for Children and Families to establish a Child Welfare System Task Force (Task Force) to study the Kansas child welfare system. The Task Force convened working groups, tasked with submitting a preliminary report in 2018, focusing on the following areas: the general administration of child welfare by DCF; protective services; family preservation; reintegration; foster care; and permanency placement. A final report was issued in January 2019 that included recommendations, organized by priority into three tiers. Additionally, the Kansas Legislature has comprised a Joint Committee on Child Welfare System Oversight tasked with reviewing data on child maltreatment and demographic trends impacting the child welfare system. This includes reviewing the duties, responsibilities and contributions of the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), the Kansas Department of Health and Environment (KDHE), the Department of Corrections, law enforcement, and the judicial branch that comprise the child welfare system; as well as reviewing programs, services, and benefits offered directly or through grants or contracts by DCF, KDADS, KDHE, and the judicial branch that impact children and families at risk of becoming involved or who are involved in the child welfare system.

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In November 2018, a class action lawsuit was filed against the state on behalf of foster youth alleging that they had been deprived of critical mental health assessments and services and experienced extreme placement instability. A settlement agreement was entered and approved by the Court in January 2021, including the monitoring of outcomes over three or four, one-year periods with an emphasis on accountability reporting, practice improvements, and outcomes.

Office of the Child Advocate (OCA) is a critical component in providing an independent, neutral mechanism, giving process solutions and voice to address the concerns of our Kansas children and families.

### **Current Year:**

OCA was codified as an independent state agency in April 2024 to take effect July 1, 2024. Prior to its creation, a similar function was performed by the Kansas Division of the Child Advocate (KDCA). Over the last two years, KDCA had been working diligently to develop a solid foundation, including infrastructure and practices. OCA is committed to further developing this foundation and practices under the provisions set out in the Child Advocate Act. The office remains fully staffed, having filled all five FTE positions. OCA maintains a website (<https://childadvocate.ks.gov>), which includes an online complaint form submission, information and resources. OCA launched a new website format and platform on July 31, 2024. OCA maintains a contract for a case management system, specifically structured for Government based ombudsman and child advocate programs and has been working closely with the application customer service team to troubleshoot and improve workflow processes to maximize efficiency. OCA is working open case complaints, issuing final findings reports, with summary and analysis, including recommendations. OCA will issue its first Annual Report as an independent state agency in January 2025. Prior to that, under KDCA, annual reports were issued in 2022, 2023, and 2024. In addition, KDCA had issued the Former Foster Parent Survey Report released June 2023 and the Best Interest Staffing Report released September 2023.

In accordance with the Division of the Budget instructions, OCA has submitted a budget within the amounts approved for FY 2025 by the 2024 Legislature.

\*\*Revised fiscal year 2025 will be the first budget submission for OCA under the new legislative provisions.

**PROGRAM GOAL:** Independently and without bias investigate and strive to resolve, whenever possible, the complaints made by or on behalf of children in the custody of the Secretary for the Department for Children and Families (DCF) or alleged to be a child in need of care or currently or were receiving services or treatment from the Department of Corrections.

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Agency Office of the Child Advocate**OBJECTIVE #1:**

Kansans are aware of the role, work, and value of OCA.

**Strategies for Objective #1:**

1. Provide outreach brochures, posters, and other print material to child welfare service providers and other key child and family wellbeing stakeholders.
2. (required under SB115) Provide DCF with a notice of availability that described OCA procedures for contacting the office and ensure such notice is prominently posted in department offices and facilities receiving public moneys for the care and placement of children.
3. Host information and outreach booths.
4. Provide informational presentations to child welfare service providers, child and family wellbeing stakeholders, and other public forum groups.
5. Provide on-site outreach in at least one rural community annually.
6. Provide updates on website and other online forums.
7. Maintain social media presence.
8. Partner and collaborate with other ombudsman offices, including those within the Office of Public Advocates, to share outreach efforts and expand reach of communications tools.

**Performance Measures for Objective #1:**

	Actual FY 2023	Actual FY 2024	Projected FY 2025	Projected FY 2026
Kansas stakeholders, including organizations, entities, and individual representatives receiving information about OCA through outreach efforts, attending or participating in a meeting at least 1x per quarter.	100%	100%	*Maintain 100%	Maintain 100%
Contacts from Kansans seeking information and assistance.	*	237	250*	250*
Maintain public website & social media presence with at least 1x month minimum new post on social media (FB, Twitter).	92%	83%	100%*	100%*

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Agency Office of the Child Advocate**OBJECTIVE #2:**

OCA investigations are conducted and reported in a timely fashion.

**Strategies for Objective #2:**

1. Utilize case management system that supports efficient investigative processes and management workflow.
2. Maximize use of office technologies to increase efficiency of processes.
3. Utilize reporting methods designed to communicate clearly and succinctly.
4. Ensure OCA team attends and participates in local, state, and national level trainings in line with a professional development plan.

**Performance Measures for Objective #2:**

	Actual FY 2023	Actual FY 2024	Projected FY 2025	Projected FY 2026
At least 85% of initial contacts processed, will receive first contact within 2 business days.	89%	100%	100%*	100%*
Investigations closed per fiscal year.	103	189	200*	200*
At least 50% of written summary letters will be issued within 160 days from initial contact.	124%	100%	100%*	*Increase to 60% to be issued within 160 days
Training hours attended by OCA staff.	100%--12 hours	100%--20hours	100%	100%
Returned post case closure survey	34%	31%	40%*	45%*

**OBJECTIVE #3:**

OCA recommendations are tracked for implementation and evaluated for effectiveness.

**Strategies for Objective #3:**

1. Implement process to track agency responses.

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2. Implement a timeline and procedure to track implementation of recommendations accepted by the agency.
3. Provide support to agencies within OCA capacity to implement accepted recommendations.
4. Implement evaluation process in collaboration with agencies to monitor impact of adopted recommendations over a designated period of time.
5. Meet collaboratively with agencies and stakeholders' leadership regarding systemic issues identified within OCA complaints.
6. Meet collaboratively with agencies and stakeholders during the course of an investigation to identify and implement possible remedies to resolve the reported concern, prior to the completion of the investigation and/or formal recommendations issued.
7. Identify and articulate the needs of families and children as needs relate to family preservation and reunification, child protection, wellbeing, and permanency.
8. Analyze effect of laws, policies, and practices having an adverse impact on family preservation and reunification, child protection, wellbeing, and permanency.
9. Advocate for change to laws, polices, and practices having an adverse impact on family preservation and reunification, child protection, wellbeing, and permanency.
  - a. Participate in multidisciplinary teams, statewide taskforce and panels focused on accountability, transparency, and systems transformation.
  - b. Monitor proposed legislation, laws, and policies impacting children and families impacted by child and family wellbeing systems.
  - c. Provide testimony and advocacy as appropriate on proposed laws and regulations.
10. Publish an annual report with information and recommendations to the Governor, Legislature, and Judiciary.

### Performance Measures for Objective #3:

	Actual FY 2023	Actual FY 2024	Projected FY 2025	Projected FY 2026
Collaborative agency and stakeholder meetings, once per quarter.	*	100%	100%	100%
Agency responses received to recommendations.	29	38%	75%	80%
Agency responses to OCA recommendations that include implementation plans within one year.	-	*Unable to accurately track for FY24	*35%	*Increase by 10%

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Agency Office of the Child Advocate**EXPENDITURE JUSTIFICATION****Total Current Year FY 2025 - \$680,930****Total Budget Year FY 2026 - \$552,527****Object Code 100: Salaries & Wages**

The Office of the Child Advocate has a total of five FTE, which includes the Child Advocate, Office Administrator, and three Case Investigative Analysts.

**Total Current Year FY 2025 - \$529,589****Total Budget Year FY 2026 - \$493,383****Object Codes 200-299: Contractual Services**

The Office of the Child Advocate requests the following for contractual services. Expenditures for contractual services primarily include communications, printing costs, professional services, and rent. The contractual service for a case management system is the most significant contractual expenditure.

**Total Current Year FY 2025 - \$148,341****Total Budget Year FY 2026 - \$56,144****Object Codes 300-399: Commodities**

The Office of the Child Advocate requests the following for commodities. Expenditures in this area primarily consist of office and data supplies.

**Total Current Year FY 2025 - \$3,000.00****Total Budget Year FY 2026 - \$3,000.00**

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### **Enhancement Package – FY 2026:**

OCA is requesting one enhancement package for consideration by the Governor and Legislature. Listed below is a brief description.

OCA presently has five FTE. Each position is presently operating at full capacity. Improving timeliness in response, investigation, and complaint resolution is an ongoing goal. Senate Bill 115, which created the Office of the Child Advocate, expands the scope to include youth currently receiving or had received services or treatment from the Kansas Department of Corrections within the last five years. When SB 115 was passed, additional funds were requested to support the expansion, but were not included in the appropriations bill for fiscal year 2025. This expanded scope, in conjunction with the continual and anticipated increase in complaints to OCA warrants the need for two additional FTE Case Investigative Analysts. The additional two FTE are needed to improve the percent of investigations reaching a resolution, including a summary letter and any recommendations within 160 days as outlined within Objective 2 and performance measures. OCA is able to cover the salary and additional costs for the remainder of FY 2025 for one additional FTE based on funds carried over from the prior year. However, OCA requests an additional \$198,049 beginning in FY 2026 to provide ongoing support for the additional two FTE positions to ensure OCA is able fulfill the mandates under the Child Advocate Act and provide quality and timely services.

#### Enhancement Object Code 100: Salaries & Wages

OCA requests an increase to support two additional FTEs, Case Investigate Analysts.

**Budget Year FY 2026 - \$156,860**

#### Enhancement Object Codes 200-299: Contractual Services

OCA requests an increase in the areas of communications and rents to support two additional FTE positions.

**Budget Year FY 2026 - \$41,189**

**Enhancement Budget Year FY 2026 - \$198,049**

**FY 2026 With Enhancement Total - \$750,576**