

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2194

By Committee on Child Welfare and Foster Care

1-26

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; enacting the Representative Gail Finney
3 memorial foster care bill of rights; establishing certain rights for
4 children in need of care and foster parents; **applying the federal**
5 **Indian child welfare act to the Representative Gail Finney**
6 **memorial foster care bill of rights; defining kinship caregivers;**
7 **granting rights to kinship caregivers under the revised Kansas code**
8 **for care of children; amending K.S.A. 38-2202, 38-2203, 38-2258**
9 **and 38-2261 and repealing the existing sections.**

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 **New Section 1.** (a) This section shall be known and may be cited as
13 the Representative Gail Finney memorial foster care bill of rights.

14 (b) Consistent with the policy of the state expressed in K.S.A. 38-
15 2201 et seq., and amendments thereto, in order to ensure proper care and
16 protection of a child in need of care in the child welfare system, unless
17 otherwise ordered by the court, such child shall have the right to:

18 (1) Live in a safe, comfortable placement, in accordance with K.S.A.
19 38-2255, and amendments thereto:

20 (A) Where such child lives in the least restrictive environment;

21 (B) where such child shall be treated with respect, have a place to
22 store belongings and receive healthy food, adequate clothing and
23 appropriate personal hygiene products;

24 (C) with siblings when possible; and

25 (D) upon proper investigation and consideration in accordance with
26 K.S.A. 38-2242, and amendments thereto, with a relative, kinship care
27 placement or someone from such child's community with similar religious
28 beliefs or ethnic heritage;

29 (2) have visits with family;

30 (3) have as few placements as possible;

31 (4) have and maintain belongings by:

32 (A) Making a list of belongings to have when placed out of home;

33 (B) providing such list of belongings to such child's case manager;

34 (C) bringing such belongings when placed out of home; and

35 (D) if going on a visit or to a new placement, having belongings
36 packed and transportable for the visit or move;

1 (5) have access to all appropriate school supplies, services, tutoring,
2 extra-curricular, cultural and personal enrichment activities;

3 (6) attend school daily in accordance with K.S.A. 38-2218, and
4 amendments thereto;

5 (7) receive a high school diploma if such child has earned the
6 standard credits in accordance with K.S.A. 38-2285, and amendments
7 thereto;

8 (8) be notified of all hearings held pursuant to the revised Kansas
9 code for care of children, when age or developmentally appropriate;

10 (9) attend, in person or virtually, all court hearings held pursuant to
11 the revised Kansas code for care of children, when age or developmentally
12 appropriate;

13 (10) address the court regarding any proposed placement or
14 placement change in accordance with K.S.A. 38-2262, and amendments
15 thereto, when age or developmentally appropriate;

16 (11) have a guardian ad litem represent the best interests of the child,
17 in accordance with K.S.A. 38-2205, and amendments thereto, and contact
18 such child regularly;

19 (12) request an attorney who will represent the position of the child,
20 if different than the determinations of the guardian ad litem, in accordance
21 with K.S.A. 38-2205, and amendments thereto;

22 (13) have privacy to send and receive unopened mail and make and
23 receive phone calls;

24 (14) have regular and private contact with and access to case
25 managers, attorneys and advocates;

26 (15) access accurate and necessary information for such child's well-
27 being from case managers and guardians and any person who is by law
28 liable to maintain, care for or support the child;

29 (16) have as few changes in case managers as possible;

30 (17) contact a case manager's supervisor if there is a conflict that
31 cannot be resolved between such child and such child's case manager;

32 **(18) report a violation of this section without fear of punishment,**
33 **interference, coercion or retaliation;** and

34 ~~(18)~~**(19)** when transitioning out of the child welfare system:

35 (A) Be an active participant in developing a transition plan, as
36 defined in K.S.A. 38-2202, and amendments thereto;

37 (B) have services and benefits explained;

38 (C) have a checking or savings account;

39 (D) learn to manage money, when age or developmentally
40 appropriate;

41 (E) learn job skills that are age or developmentally appropriate; and

42 (F) be involved in life skills training and activities.

43 (c) Consistent with the policy of the state expressed in K.S.A. 38-

1 2201 et seq., and amendments thereto, in order to ensure active
2 participation of foster parents **and kinship caregivers** as an integral,
3 indispensable and vital role in the state's efforts to care for children in the
4 custody of the secretary, unless otherwise ordered by the court, such foster
5 parents **and kinship caregivers** shall have the right to:

6 (1) Be treated by the Kansas department for children and families and
7 other child welfare system stakeholders with dignity, respect and trust as a
8 primary provider of care and support and a member of the professional
9 team caring for a child in the custody of the secretary;

10 (2) not be discriminated ~~against on the basis of religion, race, color,~~
11 ~~creed, gender, marital status, national origin, age or physical handicap~~ in
12 accordance with **the Kansas act against discrimination**, K.S.A. 44-1001,
13 et seq., and amendments thereto, and federal law;

14 (3) continue with such foster parents' **and kinship caregivers'** own
15 family values and beliefs with consideration given to the special needs of
16 children who have experienced trauma and separation from their biological
17 families, if the values and beliefs of the child and the biological family are
18 respected and not infringed upon;

19 (4) make decisions concerning the child consistent with the policies,
20 procedures and other directions of the Kansas department for children and
21 families and within the limits of state and federal law;

22 (5) receive standardized preservice training by the Kansas department
23 for children and families or the department's designee and at appropriate
24 intervals to meet mutually assessed needs of the child ~~and~~, such foster
25 parents **and kinship caregivers**;

26 (6) receive timely financial reimbursement and be notified of any
27 costs or expenses for which such foster parents **and kinship caregivers**
28 may be eligible for reimbursement in accordance with K.S.A. 38-2216,
29 and amendments thereto;

30 (7) receive information regarding services and contact the Kansas
31 department for children and families or the department's designee during
32 regular business hours and, in the event of an emergency, by telephone
33 after business hours;

34 (8) receive any information on issues concerning the child and known
35 to the Kansas department for children and families or the department's
36 designee that is relevant to the care of the child or that may jeopardize the
37 health and safety of the foster family, **the kinship care placement** or the
38 child or alter the manner in which care and services should be
39 administered prior to the placement of such child;

40 (9) discuss known information regarding the child prior to placement
41 and be provided additional information from the Kansas department for
42 children and families as such information becomes available under state
43 and federal law;

- 1 (10) refuse placement of a child in such foster parents' **and kinship**
2 **caregivers'** home or request the removal of a child from such foster
3 parents' **and kinship caregivers'** home after providing reasonable notice;
- 4 (11) receive any available information through the Kansas department
5 for children and families regarding the number of times a child has been
6 placed and the reasons for such placements, and receive the names and
7 phone numbers of any previous placements if such placements have
8 authorized such a release by law;
- 9 (12) receive information from the Kansas department for children and
10 families that is relevant to the care of a child when the child is placed with
11 such foster parents **and kinship caregivers**;
- 12 (13) provide input and participate in the case planning process for the
13 child and participate in and be informed about the planning of visitation
14 between the child and the child's biological family, recognizing that
15 visitation with the biological family is important, in accordance with
16 K.S.A. 38-2255, and amendments thereto;
- 17 (14) communicate with the child's child welfare case management
18 provider and share and obtain relevant and appropriate information
19 regarding such child's placement;
- 20 (15) communicate with members of the child's professional team,
21 including, but not limited to, such child's child welfare management
22 provider, therapists, physicians and teachers as allowed by rules and
23 regulations and state and federal law, for the purpose of participating in
24 such child's case plan;
- 25 (16) be notified in advance of any court hearing or review where the
26 case plan or permanency of the child is an issue, including periodic
27 reviews held by the court, in accordance with the revised Kansas code for
28 care of children;
- 29 (17) be considered as a placement option, if a child who was formerly
30 placed with such parents **or kinship caregivers** is in the custody of the
31 secretary again;
- 32 (18) continue contact and communication with a child subsequent to
33 the child's placement from such foster parents' **and kinship caregivers'**
34 home, subject to the approval of the child and the child's biological
35 parents, if such biological parents' rights have not been terminated;
- 36 (19) direct questions to the department for children and families
37 regarding information, concerns, policy violations and a corrective action
38 plan relating to licensure as a family foster home;
- 39 (20) have the rights described in this section be given full
40 consideration when the Kansas department for children and families
41 develops and approves policies regarding placement and permanency;
- 42 (21) submit a report to the court pursuant to K.S.A. 38-2261, and
43 amendments thereto; and

1 (22) request a court hearing regarding a change of placement notice
2 pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been
3 placed with the same foster parents for six months or longer.

4 (d) (1) **The secretary shall provide written and oral notification to**
5 **foster youth, foster parents and kinship caregivers of the rights**
6 **created under this section and information for filing complaints.**

7 (2) **The secretary shall make a list of the rights created under this**
8 **section digitally available on the secretary's website.**

9 (3) **Each child welfare management provider shall make available**
10 **physical and digital copies of a list of the rights created under this**
11 **section.**

12 (e) **This section shall not be construed to create a private right of**
13 **action independent of the revised Kansas code for care of children, but**
14 **may be enforced through equitable relief as a part of the**
15 **corresponding case under the revised Kansas code for care of children.**

16 (f) **This section shall be a part of and supplemental to the revised**
17 **Kansas code for care of children.**

18 **{Sec. 2. K.S.A. 38-2202 is hereby amended to read as follows: 38-**
19 **2202. As used in the revised Kansas code for care of children, unless**
20 **the context otherwise indicates:**

21 (a) **"Abandon" or "abandonment" means to forsake, desert or,**
22 **without making appropriate provision for substitute care, cease**
23 **providing care for the child.**

24 (b) **"Adult correction facility" means any public or private**
25 **facility, secure or nonsecure, that is used for the lawful custody of**
26 **accused or convicted adult criminal offenders.**

27 (c) **"Aggravated circumstances" means the abandonment,**
28 **torture, chronic abuse, sexual abuse or chronic, life threatening**
29 **neglect of a child.**

30 (d) **"Child in need of care" means a person less than 18 years of**
31 **age at the time of filing of the petition or issuance of an ex parte**
32 **protective custody order pursuant to K.S.A. 38-2242, and amendments**
33 **thereto, who:**

34 (1) **Is without adequate parental care, control or subsistence and**
35 **the condition is not due solely to the lack of financial means of the**
36 **child's parents or other custodian;**

37 (2) **is without the care or control necessary for the child's**
38 **physical, mental or emotional health;**

39 (3) **has been physically, mentally or emotionally abused or**
40 **neglected or sexually abused;**

41 (4) **has been placed for care or adoption in violation of law;**

42 (5) **has been abandoned or does not have a known living parent;**

43 (6) **is not attending school as required by K.S.A. 72-3421 or 72-**

1 **3120, and amendments thereto;**

2 (7) **except in the case of a violation of K.S.A. 41-727, K.S.A. 74-**
3 **8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2022 Supp. 21-6301(a)**
4 **(14), and amendments thereto, or, except as provided in paragraph**
5 **(12), does an act which, when committed by a person under 18 years**
6 **of age, is prohibited by state law, city ordinance or county resolution,**
7 **but which is not prohibited when done by an adult;**

8 (8) **while less than 10 years of age, commits any act that if done**
9 **by an adult would constitute the commission of a felony or**
10 **misdemeanor as defined by K.S.A. 2022 Supp. 21-5102, and**
11 **amendments thereto;**

12 (9) **is willfully and voluntarily absent from the child's home**
13 **without the consent of the child's parent or other custodian;**

14 (10) **is willfully and voluntarily absent at least a second time from**
15 **a court ordered or designated placement, or a placement pursuant to**
16 **court order, if the absence is without the consent of the person with**
17 **whom the child is placed or, if the child is placed in a facility, without**
18 **the consent of the person in charge of such facility or such person's**
19 **designee;**

20 (11) **has been residing in the same residence with a sibling or**
21 **another person under 18 years of age, who has been physically,**
22 **mentally or emotionally abused or neglected, or sexually abused;**

23 (12) **while less than 10 years of age commits the offense defined in**
24 **K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto;**

25 (13) **has had a permanent custodian appointed and the**
26 **permanent custodian is no longer able or willing to serve; or**

27 (14) **has been subjected to an act that would constitute human**
28 **trafficking or aggravated human trafficking, as defined by K.S.A.**
29 **2022 Supp. 21-5426, and amendments thereto, or commercial sexual**
30 **exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and**
31 **amendments thereto, or has committed an act which, if committed by**
32 **an adult, would constitute selling sexual relations, as defined by K.S.A.**
33 **2022 Supp. 21-6419, and amendments thereto.**

34 (e) **"Citizen review board" is a group of community volunteers**
35 **appointed by the court and whose duties are prescribed by K.S.A. 38-**
36 **2207 and 38-2208, and amendments thereto.**

37 (f) **"Civil custody case" includes any case filed under chapter 23**
38 **of the Kansas Statutes Annotated, and amendments thereto, the**
39 **Kansas family law code, article 11 of chapter 38 of the Kansas Statutes**
40 **Annotated, and amendments thereto, determination of parentage,**
41 **article 21 of chapter 59 of the Kansas Statutes Annotated, and**
42 **amendments thereto, adoption and relinquishment act, or article 30 of**
43 **chapter 59 of the Kansas Statutes Annotated, and amendments**

1 thereto, guardians and conservators.

2 (g) "Court-appointed special advocate" means a responsible
3 adult other than an attorney guardian ad litem who is appointed by
4 the court to represent the best interests of a child, as provided in
5 K.S.A. 38-2206, and amendments thereto, in a proceeding pursuant to
6 this code.

7 (h) "Custody" whether temporary, protective or legal, means the
8 status created by court order or statute that vests in a custodian,
9 whether an individual or an agency, the right to physical possession of
10 the child and the right to determine placement of the child, subject to
11 restrictions placed by the court.

12 (i) "Extended out of home placement" means a child has been in
13 the custody of the secretary and placed with neither parent for 15 of
14 the most recent 22 months beginning 60 days after the date at which a
15 child in the custody of the secretary was removed from the child's
16 home.

17 (j) "Educational institution" means all schools at the elementary
18 and secondary levels.

19 (k) "Educator" means any administrator, teacher or other
20 professional or paraprofessional employee of an educational
21 institution who has exposure to a pupil specified in K.S.A. 72-6143(a),
22 and amendments thereto.

23 (l) "Harm" means physical or psychological injury or damage.

24 (m) "Interested party" means the grandparent of the child, a
25 person with whom the child has been living for a significant period of
26 time when the child in need of care petition is filed, and any person
27 made an interested party by the court pursuant to K.S.A. 38-2241, and
28 amendments thereto, or Indian tribe seeking to intervene that is not a
29 party.

30 (n) "Jail" means:

31 (1) An adult jail or lockup; or

32 (2) a facility in the same building or on the same grounds as an
33 adult jail or lockup, unless the facility meets all applicable standards
34 and licensure requirements under law and there is: (A) Total
35 separation of the juvenile and adult facility spatial areas such that
36 there could be no haphazard or accidental contact between juvenile
37 and adult residents in the respective facilities; (B) total separation in
38 all juvenile and adult program activities within the facilities, including
39 recreation, education, counseling, health care, dining, sleeping and
40 general living activities; and (C) separate juvenile and adult staff,
41 including management, security staff and direct care staff such as
42 recreational, educational and counseling.

43 (o) "Juvenile detention facility" means any secure public or

1 private facility used for the lawful custody of accused or adjudicated
2 juvenile offenders that must not be a jail.

3 (p) "Juvenile intake and assessment worker" means a responsible
4 adult authorized to perform intake and assessment services as part of
5 the intake and assessment system established pursuant to K.S.A. 75-
6 7023, and amendments thereto.

7 (q) "Kinship care placement" means the placement of a child in
8 the home of an adult with whom the child or the child's parent already
9 has close emotional ties.

10 (r) *"Kinship caregiver" means an adult who the secretary has*
11 *selected for placement for a child in need of care with whom the child or*
12 *the child's parent already has close emotional ties.*

13 (s) "Law enforcement officer" means any person who by virtue of
14 office or public employment is vested by law with a duty to maintain
15 public order or to make arrests for crimes, whether that duty extends
16 to all crimes or is limited to specific crimes.

17 ~~(t)~~(t) "Multidisciplinary team" means a group of persons,
18 appointed by the court under K.S.A. 38-2228, and amendments
19 thereto, that has knowledge of the circumstances of a child in need of
20 care.

21 ~~(u)~~(u) "Neglect" means acts or omissions by a parent, guardian or
22 person responsible for the care of a child resulting in harm to a child,
23 or presenting a likelihood of harm, and the acts or omissions are not
24 due solely to the lack of financial means of the child's parents or other
25 custodian. Neglect may include, but shall not be limited to:

26 (1) Failure to provide the child with food, clothing or shelter
27 necessary to sustain the life or health of the child;

28 (2) failure to provide adequate supervision of a child or to remove
29 a child from a situation that requires judgment or actions beyond the
30 child's level of maturity, physical condition or mental abilities and that
31 results in bodily injury or a likelihood of harm to the child; or

32 (3) failure to use resources available to treat a diagnosed medical
33 condition if such treatment will make a child substantially more
34 comfortable, reduce pain and suffering, or correct or substantially
35 diminish a crippling condition from worsening. A parent legitimately
36 practicing religious beliefs who does not provide specified medical
37 treatment for a child because of religious beliefs shall, not for that
38 reason, be considered a negligent parent; however, this exception shall
39 not preclude a court from entering an order pursuant to K.S.A. 38-
40 2217(a)(2), and amendments thereto.

41 ~~(v)~~(v) "Parent" when used in relation to a child or children,
42 includes a guardian and every person who is by law liable to maintain,
43 care for or support the child.

1 ~~(v)~~(w) "Party" means the state, the petitioner, the child, any
2 parent of the child and an Indian child's tribe intervening pursuant to
3 the Indian child welfare act.

4 ~~(w)~~(x) "Permanency goal" means the outcome of the permanency
5 planning process, which may be reintegration, adoption, appointment
6 of a permanent custodian or another planned permanent living
7 arrangement.

8 ~~(x)~~(y) "Permanent custodian" means a judicially approved
9 permanent guardian of a child pursuant to K.S.A. 38-2272, and
10 amendments thereto.

11 ~~(y)~~(z) "Physical, mental or emotional abuse" means the infliction
12 of physical, mental or emotional harm or the causing of a
13 deterioration of a child and may include, but shall not be limited to,
14 maltreatment or exploiting a child to the extent that the child's health
15 or emotional well-being is endangered.

16 ~~(z)~~(aa) "Placement" means the designation by the individual or
17 agency having custody of where and with whom the child will live.

18 ~~(aa)~~(bb) "Qualified residential treatment program" means a
19 program designated by the secretary for children and families as a
20 qualified residential treatment program pursuant to federal law.

21 ~~(bb)~~(cc) "Reasonable and prudent parenting standard" means
22 the standard characterized by careful and sensible parental decisions
23 that maintain the health, safety and best interests of a child while at
24 the same time encouraging the emotional and developmental growth
25 of the child, that a caregiver shall use when determining whether to
26 allow a child in foster care under the responsibility of the state to
27 participate in extracurricular, enrichment, cultural and social
28 activities.

29 ~~(cc)~~(dd) "Relative" means a person related by blood, marriage or
30 adoption.

31 ~~(dd)~~(ee) "Runaway" means a child who is willfully and
32 voluntarily absent from the child's home without the consent of the
33 child's parent or other custodian.

34 ~~(ee)~~(ff) "Secretary" means the secretary for children and families
35 or the secretary's designee.

36 ~~(ff)~~(gg) "Secure facility" means a facility, other than a staff
37 secure facility or juvenile detention facility, that is operated or
38 structured so as to ensure that all entrances and exits from the facility
39 are under the exclusive control of the staff of the facility, whether or
40 not the person being detained has freedom of movement within the
41 perimeters of the facility, or that relies on locked rooms and buildings,
42 fences or physical restraint in order to control behavior of its
43 residents. No secure facility shall be in a city or county jail.

1 ~~(gg)~~(hh) "Sexual abuse" means any contact or interaction with a
2 child in which the child is being used for the sexual stimulation of the
3 perpetrator, the child or another person. Sexual abuse shall include,
4 but is not limited to, allowing, permitting or encouraging a child to:

5 (1) Be photographed, filmed or depicted in pornographic
6 material; or

7 (2) be subjected to aggravated human trafficking, as defined in
8 K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if committed
9 in whole or in part for the purpose of the sexual gratification of the
10 offender or another, or be subjected to an act that would constitute
11 conduct proscribed by article 55 of chapter 21 of the Kansas Statutes
12 Annotated or K.S.A. 2022 Supp. 21-6419 or 21-6422, and amendments
13 thereto.

14 ~~(hh)~~(ii) "Shelter facility" means any public or private facility or
15 home, other than a juvenile detention facility or staff secure facility,
16 that may be used in accordance with this code for the purpose of
17 providing either temporary placement for children in need of care
18 prior to the issuance of a dispositional order or longer term care under
19 a dispositional order.

20 ~~(ii)~~(jj) "Staff secure facility" means a facility described in K.S.A.
21 65-535, and amendments thereto: (1) That does not include
22 construction features designed to physically restrict the movements
23 and activities of juvenile residents who are placed therein; (2) that
24 may establish reasonable rules restricting entrance to and egress from
25 the facility; and (3) in which the movements and activities of
26 individual juvenile residents may, for treatment purposes, be
27 restricted or subject to control through the use of intensive staff
28 supervision. No staff secure facility shall be in a city or county jail.

29 ~~(jj)~~(kk) "Transition plan" means, when used in relation to a youth
30 in the custody of the secretary, an individualized strategy for the
31 provision of medical, mental health, education, employment and
32 housing supports as needed for the adult and, if applicable, for any
33 minor child of the adult, to live independently and specifically
34 provides for the supports and any services for which an adult with a
35 disability is eligible including, but not limited to, funding for home
36 and community based services waivers.

37 ~~(kk)~~(ll) "Youth residential facility" means any home, foster home
38 or structure that provides 24-hour-a-day care for children and that is
39 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
40 Annotated, and amendments thereto.}

41 {Sec. 3. K.S.A. 38-2203 is hereby amended to read as follows: 38-
42 2203. (a) Proceedings concerning any child who may be a child in need
43 of care shall be governed by this code, except in those instances when

1 the court knows or has reason to know that an Indian child is involved
2 in the proceeding, in which case, the Indian child welfare act of 1978,
3 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may
4 apply to: The filing to initiate a child in need of care proceeding,
5 K.S.A. 38-2234, and amendments thereto; ex parte custody orders,
6 K.S.A. 38-2242, and amendments thereto; temporary custody hearing,
7 K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-
8 2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and
9 amendments thereto; disposition, K.S.A. 38-2255, and amendments
10 thereto; permanency hearings, K.S.A. 38-2264, and amendments
11 thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and
12 38-2269, and amendments thereto; establishment of permanent
13 custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto;
14 *the Representative Gail Finney memorial foster care bill of rights, section*
15 *1, and amendments thereto; the placement of a child in any foster, pre-*
16 *adoptive and adoptive home and the placement of a child in a*
17 *guardianship arrangement under article 30 of chapter 59 of the*
18 *Kansas Statutes Annotated, and amendments thereto.*

19 (b) Subject to the uniform child custody jurisdiction and
20 enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and
21 amendments thereto, the district court shall have original jurisdiction
22 of proceedings pursuant to this code.

23 (c) The court acquires jurisdiction over a child by the filing of a
24 petition pursuant to this code or upon issuance of an ex parte order
25 pursuant to K.S.A. 38-2242, and amendments thereto. When the court
26 acquires jurisdiction over a child in need of care, jurisdiction may
27 continue until the child has: (1) Become 18 years of age, or until June
28 1 of the school year during which the child became 18 years of age if
29 the child is still attending high school unless there is no court
30 approved transition plan, in which event jurisdiction may continue
31 until a transition plan is approved by the court or until the child
32 reaches the age of 21; (2) been adopted; or (3) been discharged by the
33 court. Any child 18 years of age or over may request, in writing to the
34 court, that the jurisdiction of the court cease. The court shall give
35 notice of the request to all parties and interested parties and 30 days
36 after receipt of the request, jurisdiction will cease.

37 (d) When it is no longer appropriate for the court to exercise
38 jurisdiction over a child, the court, upon its own motion or the motion
39 of a party or interested party at a hearing or upon agreement of all
40 parties or interested parties, shall enter an order discharging the child.
41 Except upon request of the child pursuant to subsection (c), the court
42 shall not enter an order discharging a child until June 1 of the school
43 year during which the child becomes 18 years of age if the child is in

1 an out-of-home placement, is still attending high school and has not
2 completed the child's high school education.

3 (e) When a petition is filed under this code, a person who is
4 alleged to be under 18 years of age shall be presumed to be under that
5 age for the purposes of this code, unless the contrary is proved.

6 (f) A court's order issued in a proceeding pursuant to this code,
7 shall take precedence over such orders in a civil custody case, a
8 proceeding under article 31 of chapter 60 of the Kansas Statutes
9 Annotated, and amendments thereto, protection from abuse act, or a
10 comparable case in another jurisdiction, except as provided by K.S.A.
11 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto,
12 uniform child custody jurisdiction and enforcement act.}

13 {Sec. 4. K.S.A. 38-2258 is hereby amended to read as follows: 38-
14 2258. (a) Except as provided in K.S.A. 38-2255(d)(2) and 38-2259, and
15 amendments thereto, if a child has been in the same foster home,
16 *kinship care placement* or shelter facility for six months or longer, or
17 has been placed by the secretary in the home of a parent or relative,
18 the secretary shall give written notice of any plan to move the child to
19 a different placement unless the move is to the selected preadoptive
20 family for the purpose of facilitating adoption. The notice shall be
21 given to: (1) The court having jurisdiction over the child; (2) the
22 petitioner; (3) the attorney for the parents, if any; (4) each parent
23 whose address is available; (5) the foster parent or custodian from
24 whose home or shelter facility it is proposed to remove the child; (6)
25 the child, if 12 or more years of age; (7) the child's guardian ad litem;
26 (8) any other party or interested party; and (9) the child's court
27 appointed special advocate.

28 (b) The notice shall state the placement to which the secretary
29 plans to transfer the child and the reason for the proposed action. The
30 notice shall be mailed by first class mail 30 days in advance of the
31 planned transfer, except that the secretary shall not be required to
32 wait 30 days to transfer the child if all persons enumerated in
33 subsection (a)(2) through (8) consent in writing to the transfer.

34 (c) Within 14 days after receipt of the notice, any person
35 enumerated in subsection (a)(2) through (8) receiving notice as
36 provided above may request, either orally or in writing, that the court
37 conduct a hearing to determine whether or not the change in
38 placement is in the best interests of the child concerned. When the
39 request has been received, the court shall schedule a hearing and
40 immediately notify the secretary of the request and the time and date
41 the matter will be heard. The court shall give notice of the hearing to
42 persons enumerated in subsection (a)(2) through (9). If the court does
43 not receive a request for hearing within the specified time, the change

1 in placement may occur prior to the expiration of the 30 days. The
2 secretary shall not change the placement of the child, except for the
3 purpose of adoption, unless the change is approved by the court.

4 (d) When, after the notice set out above, a child in the custody of
5 the secretary is removed from the home of a parent after having been
6 placed in the home of a parent for a period of six months or longer, the
7 secretary shall request a finding that:

8 (1) (A) The child is likely to sustain harm if not immediately
9 removed from the home;

10 (B) allowing the child to remain in home is contrary to the
11 welfare of the child; or

12 (C) immediate placement of the child is in the best interest of the
13 child; and

14 (2) reasonable efforts have been made to maintain the family unit
15 and prevent the unnecessary removal of the child from the child's
16 home or that an emergency exists which threatens the safety to the
17 child.

18 (e) The secretary shall present to the court in writing the efforts
19 to maintain the family unit and prevent the unnecessary removal of
20 the child from the child's home. In making the findings, the court may
21 rely on documentation submitted by the secretary or may set the date
22 for a hearing on the matter. If the secretary requests such finding, the
23 court, not more than 45 days from the date of the request, shall
24 provide the secretary with a written copy of the findings by the court
25 for the purpose of documenting these orders.}

26 {Sec. 5. K.S.A. 38-2261 is hereby amended to read as follows: 38-
27 2261. The secretary shall notify the foster parent or ~~parents~~ *kinship*
28 *caregivers* that the foster parent or ~~parents~~ *kinship caregivers* have a
29 right to submit a report. Copies of the report shall be available to the
30 parties and interested parties. The report made by foster parents shall
31 be on a form created and provided by the Kansas department for
32 children and families.}

33 Sec. 6. K.S.A. 38-2202, 38-2203, 38-2258 and 38-2261 are hereby
34 repealed.

35 Sec. ~~2~~ 7. This act shall take effect and be in force from and after its
36 publication in the statute book.