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Please Respond to the Wichita Office

February 16, 2024

Senate and House Committees on Child Welfare and Foster Care
Statement in Opposition of HB 2772

Opponent Written Only Testimony

Re: In Opposition of HB 2772

Dear Chairwoman Concannon and Child Welfare and Foster Care Committee Members:

My name is Megan Monsour, you may remember when I testified in person regarding foster care last year before your committee. I am an adoption attorney who also practices in foster care litigation in Wichita, KS. I am passionate about healthy adoptions and reform in our systems. That said, I am opposed to HB 2772. I do not feel that this bill is necessary nor will it help our children or our Indian families.

I have had the privilege of finalizing hundreds of adoptions over the past 16 years, many of those cases being impacted by the federal Indian Child Welfare Act (“ICWA”).

While I am supportive of the ICWA’s primary purpose to prevent the removal of Indian children and to prevent the break-up of Indian families, there are many unintended consequences of this Act that have very serious negative impacts. The federal ICWA and HB 2772 impact not only foster care cases involving Indian children, but private adoptions as well.

In private adoptions, this has the effect of limiting a biological mother’s choice on who she can place her child with for purposes of adoption. All women, enrolled tribal members or not, who are in the extremely vulnerable state of considering adoption for her child, should have the constitutionally protected right to determine the family for her child without federal or state law involvement.

The placement preferences set out in the federal ICWA as well as HB 2772 prioritize placement of an Indian child first to a member of the Indian child’s extended family – even if that extended family is not the member of an Indian tribe or connected to a tribe at all. In my experience, this has required significant legal work to disqualify inappropriate biological family members who the biological mother was opposed to having placement from the outset. It can also provide significant protections to non-Indian biological fathers who would otherwise have parental rights terminated under Kansas state law.

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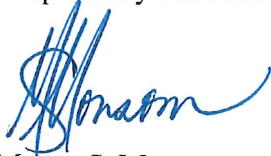
In practice, the impact that the federal ICWA has on private adoptions and the impact HB 2772 would likely have result in significantly increased legal fees and time delays without actually achieving its purpose of keeping Indian families together.

At this time, we do not know enough about HB 2772 to adequately analyze and understand the full impact it could have on our foster care cases or our private adoptions. More time is needed to determine the effect that this bill would have on our child welfare systems.

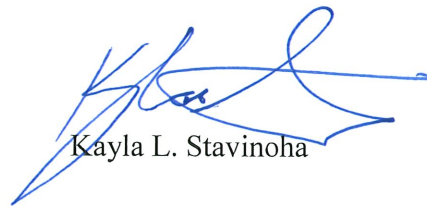
I work closely with Kayla Stavinoha, another adoption attorney in my office, and she joins me in my opposition. Please join us in opposing HB 2772.

We would be happy to answer any questions the Committee may have.

Respectfully Submitted:



Megan S. Monsour



Kayla L. Stavinoha