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MEMORANDUM

To: House Committee on Judiciary

From: Office of Revisor of Statutes

Date: January 24, 2024

Subject: Bill Brief on HB 2549

HB 2549 limits a petition to terminate parental rights under the Kansas adoption and relinquishment act to adoption proceedings and sets requirements for petitions to terminate parental rights that are filed separately.

The bill amends K.S.A. 59-2136, the statute related to determining the necessity of a parent's relinquishment of rights or consent to an adoption. Current law provides that a petition to terminate parental rights may be filed as part of a petition for adoption or as an independent action. This bill would require that petitions to terminate parental rights under the Kansas adoption and relinquishment act may be filed only as part of a petition for adoption or as a separate action in connection with an adoption proceeding that is filed or to be filed.

The bill also provides that if a petition to terminate parent rights is filed separately from a petition for adoption, venue for the termination proceedings shall be in the county where the child or parent resides or is found. An order granting the petition (1) is required to be in substantial compliance with the form set forth by the judicial council; (2) is a final judgment that is appealable; (3) shall satisfy the requirement to demonstrate that the necessity for the consent or relinquishment is eliminated if the order is not appealed; and (4) is effective only upon the filing of a decree of adoption.

House Judiciary

Date: 1-24-24

Attachment # 1