



Department for Children
and Families

Strong Families Make a Strong Kansas

Senate Judiciary Committee

February 17, 2015

Testimony on:

SB 160

Written Testimony By:

Phyllis Gilmore

Secretary

Kansas Department for Children and Families

Andrew Wiens, Director of Policy and Legislative Affairs
Docking State Office Building, 6th Floor North
(785) 291-3629

Testimony of:

Phyllis Gilmore, Secretary
Kansas Department for Children and Families
Topeka, Kansas

Testimony on:

SB 160

Chair King, Vice Chair Smith, Ranking Member Haley and Members of the Committee:

SB 160 amends 38-2269(a) to provide that when a child has been adjudicated as a Child in Need of Care (CINC), the court shall (rather than may terminate parental rights or appoint a permanent custodian as provided in current statute) take action within six months of making a finding of unfitness. The bill adds language to 38-2269 which mandates a finding of unfitness shall be made if after a reasonable plan of reintegration approved by the court has been in place six months and the court finds a parent has failed to carry out the plan on two occasions after the plan has been in place six months. The new proposed language requires that when a finding of unfitness is made pursuant to the new provision, the court shall terminate parental rights and either shall (deletes current language may) appoint a permanent custodian per statute.

The bill further requires when the plan is adoption and adoption is authorized by the court, a written plan with a permanency goal will be submitted within 30 days, and permanency goal shall be accomplished within one year.

The proposed amendments to 38-2231 remove the court's discretion and ability to render certain decision regarding termination of parental rights and permanency plans on a case-by-case basis with focus on best interests of child in light of all circumstances of child and child's family. State and federal legislation related to requirements for reunification with the child's family and reunification do not always follow the same timelines. Parents sometimes need time to address issues and concerns that led to child's removal. Some need time to benefit from services to enable their children to return home. Adoption or permanent custodianship should be pursued when the court deems it best for the child and the court makes final the determination that the child will not be able to return home. At such time, the permanency goal of adoption or permanent custodianship will be pursued.

DCF is neutral with respect to SB 160. Thank you for the opportunity to submit testimony about this proposed legislation.