AN ACT concerning children and families; enacting the supporting families act; relating to temporary care for children.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 5, and amendments thereto, shall be known and may be cited as the supporting families act.

Sec. 2. As used in the supporting families act:

(a) "Charitable organization" has the same meaning as defined in K.S.A. 17-1760, and amendments thereto.

(b) "Child placement agency" means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care, licensed by the state of Kansas pursuant to K.S.A. 65-501, and amendments thereto.

(c) "Host family" means an individual or family to whom powers are delegated for the temporary care of a child under this act.

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

(e) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

Sec. 3. (a) (1) A parent or legal custodian of a child may by a properly executed power of attorney provided in section 5, and amendments thereto, delegate to another person known as the host family, for a period not to exceed one year, except as provided in subsection (f), any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A power of attorney executed under this act may be extended for one additional year following the expiration of the
original one-year term.

(2) A delegation of powers under this section shall not deprive any parent or legal custodian of any parental or legal authority regarding the care and custody of the child nor supersede any court order regarding the care and custody of the child.

(b) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection (a) at any time. Except as provided in subsection (f), if there is a need for the delegation of authority to last longer than one year, the parent or legal custodian of the child may execute a new power of attorney for one additional year. If a parent withdraws or revokes the power of attorney, the child shall be returned to the custody of the parents as soon as reasonably possible.

(c) Unless the authority is revoked or withdrawn by the parent, the host family shall exercise parental or legal authority on a continuous basis without compensation, except as provided in section 4(b)(2), and amendments thereto, for the duration of the power of attorney authorized by subsection (a) and shall not be subject to any laws or rules or regulations dealing with the licensing or regulation of foster care homes.

(d) (1) Except as otherwise provided by law, the execution of a power of attorney by a parent or legal custodian, as authorized in subsection (a), shall not constitute abandonment, abuse or neglect as defined in K.S.A. 2015 Supp. 38-2202, and amendments thereto, unless the parent or legal custodian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(2) A parent shall not execute a power of attorney authorized under this act with the intention of permanently avoiding or divesting parental or legal responsibility for the care of the child.

(3) Nothing in this section shall be interpreted to preclude any investigation of suspected abuse or neglect by the Kansas department for children and families or law enforcement.

(e) Under a delegation of powers as authorized by subsection (a), the child or children subject to the power of attorney shall not be considered as placed in foster care or other out-of-home placement and the parties shall not be subject to any of the requirements or licensing laws, rules and regulations for foster care or other rules and regulations relating to community care for children.

(f) A serving parent may delegate the power designated in subsection (a) for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus 30 days.

Sec. 4. (a) A child placement agency, or other Kansas charitable organization working under an agreement with a child placement agency,
may establish a program in which it assists parents with providing
temporary care for children as provided under this act. Such program shall
not be subject to the requirements of any other child care facility licensing
statutes, rules and regulations or foster care licensing laws or rules and
regulations, except as provided under this act.

(b) (1) Prior to the placement of a child, a child placement agency or
other Kansas charitable organization establishing a program pursuant to
subsection (a) shall conduct a child abuse and neglect screening and a
Kansas bureau of investigation criminal history record search on: (A) The
person or persons to whom powers regarding the care and custody of the
child are delegated through a power of attorney executed under this act;
and (B) any employee or volunteer of the child placement agency or
charitable organization having contact with children hosted through the
program.

(2) A host family shall not receive payment other than reimbursement
for actual expenses of providing temporary care for the child. Such
reimbursement shall not come from the state, but may come from
individuals, religious communities or other charitable organizations who
voluntarily wish to support the host family.

Sec. 5. (a) The Kansas judicial council shall create a form of power of
attorney to delegate parental or legal authority consistent with the
requirements of section 3, and amendments thereto.

(b) The power of attorney is legally sufficient under the supporting
families act if the wording of the form complies substantially with the
power of attorney form created by the Kansas judicial council pursuant to
subsection (a), the form is properly completed and the signatures of the
parties are acknowledged.

Sec. 6. During any child protective investigation by the Kansas
department for children and families that does not result in an out-of-home
placement resulting from abuse of a child, a child protective investigator
shall provide information to the parent or custodians who are under
financial distress, unemployed, homeless or experiencing other family
crises about community service programs that provide respite care,
voluntary guardianship, other support services for families in crisis,
including child placement agencies and other charitable organizations that
operate programs authorized under section 4, and amendments thereto.

Sec. 7. Any host family delegated authority under the supporting
families act by a parent or legal custodian is not subject to the
requirements of any other child care facility licensing statutes, rules and
regulations or foster care licensing laws or rules and regulations, and will
not constitute an out-of-home child placement under the child in need of

Sec. 8. The Kansas department for children and families is hereby
authorized to work with families who are in financial distress, unemployed, homeless or experiencing other family crises by detailing community resources available to such families in the community, including, but not limited to, respite care, voluntary guardianship under the supporting families act and information regarding child placement agencies and other charitable organizations that operate programs authorized under section 4, and amendments thereto.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.