

March 29, 2017

The Honorable Vicki Schmidt, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Schmidt:

SUBJECT: Fiscal Note for SB 221 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 221 is respectfully submitted to your committee.

SB 211 would amend the Revised Kansas Code of Care of Children, the Newborn Infant Protection Act, and a statute that defines certain social welfare duties of the Secretary of the Department for Children and Families (DCF). The bill would delete the required approval of the guardian ad litem and require the consent and approval of the Secretary when parents choose to relinquish their rights prior to a hearing to consider termination of parental rights when the child's plan is either adoption or appointment of a custodian. The bill would also clarify processes for adoption of children who are in the custody of the Secretary and adoption of children who are no longer in the custody of the Secretary. The bill would clarify that extended out-of-home placement can be used to make a determination of parental unfitness when the court is considering termination of parental rights or appointment of a permanent custodian.

The bill would amend the Newborn Infant Protection Act to add definitions of a relinquishing parent and a non-relinquishing parent. The bill would increase the age of an infant that can be relinquished at certain facilities from 45 to 60 days old. If the facility is not a medical care facility, the employee of the facility would be required to arrange for the infant to be immediately transported to a medical care facility. The bill would clarify that the relinquishing parent would be immune from civil or criminal liability as long as the infant was delivered safely to the physical custody of an employee of an approved facility, is no more than 60 days old, and is not abused or neglected. This relinquishment would constitute the parent's voluntary termination of parental rights and implied consent to adoption. The state would be required to publish notice of the proceeding to terminate parental rights with details of the

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relinquishment. If the non-relinquishing parent does not take the steps necessary to establish parentage within 30 days after the published notice, their parental rights could be terminated.

The Office of Judicial Administration and DCF state that enactment of SB 211 would have no fiscal effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Jackie Aubert, Children & Families
Ashley Michaelis, Judiciary