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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: February 4, 2020
Subject: Bill Brief for SB 332

Senate Bill 332 changes requirements for court orders directing a child to remain in a present or future placement issued for children in need of care.

Section 1 amends K.S.A. 38-2202, the definition section for the revised Kansas code for care of children. Current law in subsection (d) defines “child in need of care” (CINC) as a person less than 18 years of age who meets any of 14 conditions; (d)(10) provides that being willfully and voluntarily absent at least a second time from a court ordered or designated placement can make a child a CINC. The bill would remove the language in (d)(10) that requires 2 or more occurrences of being absent from a placement, so a single occurrence would qualify the child as a CINC.

Section 2 amends K.S.A. 38-2260, also in the revised Kansas code for care of children. Current law in subsection (a) provides that a court may enter an order directing a child to remain in a present or future placement if the court finds that the child is a CINC for certain reasons – including under K.S.A. 38-2202(d)(10) referenced above – and that the child is not likely to be available within the jurisdiction of the court for future proceedings. The bill changes “may” to “shall” so that a court is required to enter the order and removes the finding requirement regarding availability for future proceedings. The requirements relating to presence in court and notice are retained. If a child violates an order to remain in a placement, the child can be taken into custody and held in a secure facility. Further proceedings then occur to determine future custody and placement decisions, including secure facility options.