

2021 Kansas Statutes

59-2128. Petition for adoption; consents, background information, accounting, residency affidavit, filing.

(a) A petition for adoption shall be filed by the person desiring to adopt the child, and shall state the following information, if reasonably ascertainable, under oath:

- (1) The name, residence and address of the petitioner;
- (2) the suitability of the petitioner to assume the relationship;
- (3) the name of the child, the date, time and place of the child's birth, and the present address or whereabouts of the child;
- (4) the places where the child has lived during the last five years;
- (5) the names and present addresses of the persons with whom the child has lived during that period;
- (6) whether the party has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;
- (7) whether the party knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;
- (8) whether the party knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons;
- (9) whether one or both parents are living and the name, date of birth, residence and address of those living, so far as known to the petitioner;
- (10) the facts relied upon as eliminating the necessity for the consent or relinquishment, if the consent or relinquishment of either or both parents is not obtained;
- (11) whether the interstate compact on placement of children, K.S.A. 38-1201 et seq., and amendments thereto, and the Indian child welfare act, 25 U.S.C. § 1901 et seq., have been or will be complied with prior to the hearing.

(b) If the information required by subsection (a) is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a)(6) through (a)(9) is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) The petitioner has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) A petition filed in a step parent adoption shall not require a statement in compliance with the interstate compact on placement of children.

(f) The written consents to adoption required by K.S.A. 59-2129, and amendments thereto, or any relinquishment pursuant to K.S.A. 59-2124, and amendments thereto, the background information required by K.S.A. 59-2130, and amendments thereto, the accounting required by K.S.A. 59-2121, and amendments thereto, and any affidavit required by K.S.A. 59-2126, and amendments thereto, shall be filed with the petition for adoption.

History: L. 1990, ch. 145, § 18; L. 2000, ch. 171, § 76; L. 2018, ch. 118, § 14; July 1.