

House Substitute for SENATE BILL No. 159

By Committee on Judiciary

2-16

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

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

5 Section 1. Sections 1 through 3, and amendments thereto, shall be
6 known and may be cited as the host families act.

7 Sec. 2. As used in the host families act:

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

13 (b) "Host family" means an individual or family who provides
14 temporary care under this act.

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

18 Sec. 3. (a) A child placement agency may establish a program in
19 which it coordinates with private organizations to provide temporary care
20 of children by placing a child with a host family.

21 (b) (1) A program established pursuant to subsection (a) shall include
22 screening and background checks for potential host families. Such
23 screening and background checks shall be the same as the screening and
24 background checks required for obtaining and maintaining a license to
25 operate a family foster home pursuant to rules and regulations adopted by
26 the secretary for children and families.

27 (2) A host family shall not receive payment other than reimbursement
28 for actual expenses of providing temporary care for the child.

29 (c) Any placement of a child into a program established pursuant to
30 subsection (a):

31 (1) Shall be voluntary and shall not be considered an out-of-home
32 placement by the state;

33 (2) shall not supersede any order under the revised Kansas code for
34 care of children or any other court order; and

35 (3) shall not preclude any investigation of suspected abuse or neglect.

36 (d) (1) A parent may place a child into a program established

1 pursuant to subsection (a) by executing a power of attorney delegating to a
2 host family any of the powers regarding the care and custody of the child,
3 except the power to consent to marriage or adoption of the child, the
4 performance or inducement of an abortion on or for the child, or the
5 termination of parental rights to the child. Such placement of a child shall
6 not be allowed without the consent of all individuals who have legal
7 custody of the child.

8 (2) A power of attorney executed pursuant to this subsection shall not
9 exceed one year in duration, except that such power of attorney may be
10 renewed for one additional year.

11 (3) A delegation of powers pursuant to this subsection shall not: (A)
12 Deprive any parent of any parental or legal authority regarding the care
13 and custody of the child; (B) deprive any non-delegating parent of any
14 parental or legal authority regarding the child, if such parent's rights have
15 not otherwise been terminated or relinquished as provided by law; or (C)
16 affect any parental or legal authority otherwise limited by a court order.

17 (4) A parent executing a power of attorney pursuant to this subsection
18 shall have the authority to revoke or withdraw the power of attorney at any
19 time. If a parent withdraws or revokes the power of attorney, the child
20 shall be returned to the custody of the parent as soon as reasonably
21 possible.

22 (5) The execution of a power of attorney by a parent pursuant to this
23 subsection shall not be evidence of abandonment, abuse or neglect as
24 defined in K.S.A. 2015 Supp. 38-2202, and amendments thereto.

25 (6) A power of attorney executed pursuant to this subsection shall be
26 deemed sufficient if in substantial compliance with the form set forth by
27 the judicial council. The judicial council shall develop a form for use
28 under this subsection.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.