

**HOUSE BILL No. 2299**

By Committee on Child Welfare and Foster Care

2-6

1 AN ACT concerning children and minors; relating to children in need of  
2 care; directing the secretary for children and families to consider foster  
3 parents as prospective adoptive parents under certain circumstances;  
4 requiring the secretary to report on certain data on adoptions;  
5 **providing for retroactivity; making orders granting custody for**  
6 **adoption subject to the federal Indian child welfare act;** amending  
7 K.S.A. 38-2203 and 38-2270 and repealing the existing ~~section~~  
8 **sections.**  
9

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

11 **Section 1. K.S.A. 38-2203 is hereby amended to read as follows:**  
12 **38-2203. (a) Proceedings concerning any child who may be a child in**  
13 **need of care shall be governed by this code, except in those instances**  
14 **when the court knows or has reason to know that an Indian child is**  
15 **involved in the proceeding, in which case, the Indian child welfare act**  
16 **of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act**  
17 **may apply to: The filing to initiate a child in need of care proceeding,**  
18 **K.S.A. 38-2234, and amendments thereto; ex parte custody orders,**  
19 **K.S.A. 38-2242, and amendments thereto; temporary custody hearing,**  
20 **K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-**  
21 **2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and**  
22 **amendments thereto; disposition, K.S.A. 38-2255, and amendments**  
23 **thereto; permanency hearings, K.S.A. 38-2264, and amendments**  
24 **thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and**  
25 **38-2269, and amendments thereto; establishment of permanent**  
26 **custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto;**  
27 *orders granting custody for adoption, K.S.A. 38-2270, and amendments*  
28 *thereto; the placement of a child in any foster, pre-adoptive and*  
29 *adoptive home and the placement of a child in a guardianship*  
30 *arrangement under article 30 of chapter 59 of the Kansas Statutes*  
31 *Annotated, and amendments thereto.*

32 (b) Subject to the uniform child custody jurisdiction and  
33 enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and  
34 amendments thereto, the district court shall have original jurisdiction  
35 of proceedings pursuant to this code.

36 (c) The court acquires jurisdiction over a child by the filing of a

1 adoption. *When deciding who will adopt the child, the secretary or*  
2 *corporation shall be guided by the best interests of the child.*

3 (2) An order granting custody of the child to proposed adoptive  
4 parents and consenting to the adoption of the child by the proposed  
5 adoptive parents. **The court shall be guided by the best interests of the**  
6 **child.** *Any prior custody order, including, but not limited to, custody of the*  
7 *secretary or corporation, shall cease upon the court granting custody of*  
8 *the child to the proposed adoptive parents under this subsection.*

9 ~~(b) In making an order under subsection (a), the court shall give~~  
10 ~~preference, to the extent that the court finds it is in the best interests of the~~  
11 ~~child, first to granting such custody for adoption to a relative of the child~~  
12 ~~and second to granting such custody to a person with whom the child has~~  
13 ~~close emotional ties.~~**(1) When a child is placed in the custody of the**  
14 **secretary for purposes of adoption under subsection (a)(1) or when a**  
15 **parent has relinquished their rights to the secretary for adoption**  
16 **purposes, the secretary shall give preference, subject to the best interests**  
17 **of the child, according to paragraphs (2) and (3).**

18 (2) **If a child has been in the custody of the secretary for less than**  
19 **one cumulative year, the secretary shall give preference, first, to**  
20 **granting such custody for adoption to a relative of the child and**  
21 **second, to granting such custody to a person with whom the child has**  
22 **close and healthy attachments.**

23 (3) **If a child has been in the custody of the secretary for one**  
24 **cumulative year or more, the secretary shall give preference to a**  
25 **placement that maintains the child's close and healthy attachments. The**  
26 **secretary shall consider the foster parent as a prospective adoptive parent**  
27 **when:**

28 ~~(A)~~ **(A)** *The child has lived more than half of the child's lifetime with*  
29 *the foster parent;*

30 ~~(B)~~ **(B)** *the child has lived more than two years with the foster parent;*  
31 *or*

32 ~~(C)~~ **(C)** *the secretary otherwise determines it is in the best interests of*  
33 *the child.*

34 (c) ~~If a foster parent considered by the secretary under subsection (b)~~  
35 ~~(1) or (b)(2) is not selected by the secretary, the foster parent may request~~  
36 ~~direct placement of the child by the court under subsection (a)(2) and may~~  
37 ~~appeal that decision to the court of appeals.~~

(b)(3)(A) or (b)(3)(B)

38 (d) *To implement the provisions of this section, the secretary shall:*

39 (1) *Develop and enforce adoption selection policies that comply with*  
40 *subsection (b) and ensure caregiver and sibling attachments are*  
41 *appropriately considered;*

42 (2) *review policies and update to reduce time to adoption*  
43 *permanency;*