

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2005

HOUSE BILL No. 2200

By Committee on Appropriations
(By Request of the Joint Committee on Children's Issues)

1-27

13 AN ACT concerning the support and care of children; relating to chil-
14 dren in need of care; concerning rights of certain parties to be present
15 at certain proceedings; amending **[K.S.A. 38-1501 and]** K.S.A. 2004
16 Supp. 38-1552a and repealing the existing ~~section~~ **[sections]**.
17

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

19 Section 1. K.S.A. 2004 Supp. 38-1552a is hereby amended to read
20 as follows: 38-1552a. ~~(a)~~ Notwithstanding K.S.A. 38-1552, and amend-
21 ments thereto and any other provision of law to the contrary, ~~and within~~
22 ~~the limits of appropriations therefor, a pilot project shall be established~~
23 ~~by the office of judicial administration in one rural and one urban~~ *shall*
24 *implement a policy for each* judicial district in which such judicial district
25 shall implement proceedings under the Kansas code for care of children
26 in which the court may exclude from any hearing all persons except the
27 guardian *ad litem*, interested parties and their attorneys, officers of the
28 court, the witness testifying, the child's foster parents and up to two peo-
29 ple, both of whom have participated in a parent ~~advocate~~ **ally** orientation
30 program approved by the judicial administrator, and designated by the
31 parent of the child. Such parent ~~advocate~~ **ally** orientation program shall
32 include but not be limited to information concerning the confidentiality
33 of the proceedings; the child and parent's right to counsel; the definitions
34 and jurisdiction pursuant to the Kansas code for care of children; the
35 types and purposes of the hearings; options for informal supervision and
36 dispositions; placement options; the parent's obligation to financially sup-
37 port the child while the child is in the state's custody; obligations of the
38 secretary of social and rehabilitation services; obligations of entities that
39 contract with the department of social and rehabilitation services for fam-
40 ily preservation, foster care and adoption; the termination of parental
41 rights; the procedures for appeals; and the basic rules regarding court
42 procedure. Upon agreement of all interested parties, the court shall allow
43 other persons to attend the proceedings, unless the court finds the pres-

1 ence of the persons would be disruptive to the proceedings. The court
2 shall not remove the parent's ~~designee ally~~ or ~~designees allies~~ from any
3 proceeding unless such ~~designee ally~~ becomes disruptive in such
4 proceeding.

5 ~~(b) Upon completion of the pilot project, the office of judicial ad-~~
6 ~~ministration shall make a report to the legislature.~~

7 ~~(c) The provisions of this section shall expire on July 1, 2005.~~

8 **[Sec. 2. K.S.A. 38-1501 is hereby amended to read as follows:**
9 **38-1501. (a) K.S.A. 38-1501 through 38-1593 shall be known as**
10 **and may be cited as the Kansas code for care of children and shall**
11 **be liberally construed, to the end that each child within its provi-**
12 **sions shall receive the care, custody, guidance, control and disci-**
13 **pline, preferably in the child's own home, as will best serve the**
14 **child's welfare and the best interests of the state. All proceedings,**
15 **orders, judgments and decrees shall be deemed to have been taken**
16 **and done in the exercise of the parental power of the state. Pro-**
17 **ceedings pursuant to this code shall be civil in nature.**

18 *[(b) Nothing in this code shall be construed to permit discrimination*
19 *on the basis of disability.*

20 *[(1) The disability of a parent shall not constitute a basis for a deter-*
21 *mination that a child is a child in need of care, for the removal of custody*
22 *of a child from the parent, or for the termination of parental rights without*
23 *a specific showing that there is a causal relation between the disability*
24 *and harm to the child.*

25 *[(2) In cases involving a parent with a disability, determinations made*
26 *under this code shall consider the availability and use of accommodations*
27 *for the disability, including adaptive equipment and support services.]*

28 ~~Sec. 2 [3]. K.S.A. [38-1501 and K.S.A.] 2004 Supp. 38-1552a is~~
29 ~~[are] hereby repealed.~~

30 ~~Sec. 3 [4]. This act shall take effect and be in force from and after~~
31 ~~its publication in the statute book.~~