

HOUSE BILL No. 2210

By Committee on Appropriations

2-2

9 AN ACT concerning the Kansas code for care of children; relating to
10 jurisdiction; amending K.S.A. 2008 Supp. 38-2203 and repealing the
11 existing section.
12

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

14 Section 1. K.S.A. 2008 Supp. 38-2203 is hereby amended to read as
15 follows: 38-2203. (a) Proceedings concerning any child who may be a child
16 in need of care shall be governed by this code, except in those instances
17 when the court knows or has reason to know that an Indian child is in-
18 volved in the proceeding, in which case, the Indian child welfare act of
19 1978 (25 U.S.C. §1901 et seq.) applies. The Indian child welfare act may
20 apply to: The filing to initiate a child in need of care proceeding (K.S.A.
21 2008 Supp. 38-2234, and amendments thereto); ex parte custody orders
22 (K.S.A. 2008 Supp. 38-2242, and amendments thereto); temporary cus-
23 tody hearing (K.S.A. 2008 Supp. 38-2243, and amendments thereto); ad-
24 judication (K.S.A. 2008 Supp. 38-2247, and amendments thereto); burden
25 of proof (K.S.A. 2008 Supp. 38-2250, and amendments thereto); dispo-
26 sition (K.S.A. 2008 Supp. 38-2255, and amendments thereto); perma-
27 nency hearings (K.S.A. 2008 Supp. 38-2264, and amendments thereto);
28 termination of parental rights (K.S.A. 2008 Supp. 38-2267, 38-2268 and
29 38-2269, and amendments thereto); establishment of permanent custo-
30 dianship (K.S.A. 2008 Supp. 38-2268 and 38-2272, and amendments
31 thereto); the placement of a child in any foster, pre-adoptive and adoptive
32 home and the placement of a child in a guardianship arrangement under
33 chapter 59, article 30 of the Kansas Statutes Annotated, and amendments
34 thereto.

35 (b) Subject to the uniform child custody jurisdiction and enforcement
36 act, K.S.A. 38-1336 through 38-1377, and amendments thereto, the dis-
37 trict court shall have original jurisdiction of proceedings pursuant to this
38 code.

39 (c) The court acquires jurisdiction over a child by the filing of a pe-
40 tition pursuant to this code or upon issuance of an ex parte order pursuant
41 to K.S.A. 2008 Supp. 38-2242, and amendments thereto. When the court
42 acquires jurisdiction over a child in need of care, jurisdiction may con-
43 tinue until the child has: (1) ~~Attained the age of 21 years~~ *Become 18 years*

1 *of age, or until June 1 of the school year during which the child became*
2 *18 years of age if the child is still attending high school; (2) been adopted;*
3 *or (3) been discharged by the court. ~~Any child 18 years of age or over~~*
4 ~~*may request, in writing to the court, that the jurisdiction of the court*~~
5 ~~*cease. The court shall give notice of the request to all parties and inter-*~~
6 ~~*ested parties and 30 days after receipt of the request, jurisdiction will*~~
7 ~~*cease.*~~

8 (d) When it is no longer appropriate for the court to exercise juris-
9 diction over a child, the court, upon its own motion or the motion of a
10 party or interested party at a hearing or upon agreement of all parties or
11 interested parties, shall enter an order discharging the child. ~~Except upon~~
12 ~~request of the child pursuant to subsection (e),~~ The court shall not enter
13 an order discharging a child until June 1 of the school year during which
14 the child becomes 18 years of age if the child is in an out-of-home place-
15 ment, is still attending high school and has not completed the child's high
16 school education.

17 (e) When a petition is filed under this code, a person who is alleged
18 to be under 18 years of age shall be presumed to be under that age for
19 the purposes of this code, unless the contrary is proved.

20 Sec. 2. K.S.A. 2008 Supp. 38-2203 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.