

## HOUSE BILL No. 2303

By Committee on Judiciary

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9 AN ACT concerning the Kansas code for care of children; relating to  
10 removal of child from custody of parents; amending K.S.A. 2008 Supp.  
11 38-2241 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2008 Supp. 38-2241 is hereby amended to read as  
15 follows: 38-2241. (a) *Jurisdiction of the court.* Parties and interested par-  
16 ties in a child in need of care proceedings are subject to the jurisdiction  
17 of the court.

18 (b) *Rights of parties.* Subject to the authority of the court to rule on  
19 the admissibility of evidence and provide for the orderly conduct of the  
20 proceedings, the rights of parties to participate in a child in need of care  
21 proceeding include, but are not limited to:

22 (1) Notice in accordance with K.S.A. 2008 Supp. 38-2236 and 38-  
23 2239, and amendments thereto;

24 (2) present oral or written evidence and argument, to call and cross-  
25 examine witnesses; and

26 (3) representation by an attorney in accordance with K.S.A. 2008  
27 Supp. 38-2205, and amendments thereto.

28 (c) *Grandparents as interested parties.* (1) A grandparent of the child  
29 shall be made an interested party to a child in need of care proceeding if  
30 the grandparent notifies the court of such grandparent's desire to become  
31 an interested party. Notification may be made in writing, orally or by  
32 appearance at the initial or a subsequent hearing on the child in need of  
33 care petition.

34 (2) Grandparents with interested party status shall have the partici-  
35 patory rights of parties pursuant to subsection (b), except that the court  
36 may restrict those rights if the court finds that it would be in the best  
37 interests of the child. A grandparent may not be prevented under this  
38 paragraph from attending the proceedings, having access to the child's  
39 official file in the court records or making a statement to the court.

40 (d) *Persons with whom the child has been residing as interested par-*  
41 *ties.* (1) Any person with whom the child has resided for a significant  
42 period of time within six months of the date the child in need of care  
43 petition is filed shall be made an interested party, if such person notifies

1 the court of such person's desire to become an interested party. Notifi-  
2 cation may be made in writing, orally or by appearance at the initial or a  
3 subsequent hearing on the child in need of care petition.

4 (2) Persons with interested party status under this subsection shall  
5 have the participatory rights of parties pursuant to subsection (b), except  
6 that the court may restrict those rights if the court finds that it would be  
7 in the best interests of the child.

8 (e) *Other interested parties.* (1) Any person with whom the child has  
9 resided at any time, who is within the fourth degree of relationship to the  
10 child, or to whom the child has close emotional ties may, upon motion,  
11 be made an interested party if the court determines that it is in the best  
12 interests of the child.

13 (2) Any other person or Indian tribe seeking to intervene that is not  
14 a party may, upon motion, be made an interested party if the court de-  
15 termines that the person or tribe has a sufficient relationship with the  
16 child to warrant interested party status or that the person's or tribe's  
17 participation would be beneficial to the proceedings.

18 (3) The court may, upon its own motion, make any person an inter-  
19 ested party if the court determines that interested party status would be  
20 in the best interests of the child.

21 (f) *Procedure for determining, denying or terminating interested*  
22 *party status.* (1) Upon the request of the court, the secretary shall inves-  
23 tigate the advisability of granting interested party status under this section  
24 and report findings and recommendations to the court.

25 (2) The court may deny or terminate interested party status under  
26 this subsection if the court determines, after notice and a hearing, that a  
27 person does not qualify for interested party status or that there is good  
28 cause to deny or terminate interested party status.

29 (3) A person who is denied interested party status or whose status as  
30 an interested party has been terminated may petition for review of the  
31 denial or termination by the chief judge of the district in which the court  
32 having jurisdiction over the child in need of care proceeding is located,  
33 or a judge designated by the chief judge. The chief judge or the chief  
34 judge's designee shall review the denial or termination within 30 days of  
35 receiving the petition. The child in need of care proceeding shall not be  
36 stayed pending resolution of the petition for review.

37 (g) *Within 30 days of the removal of a child from the child's home,*  
38 *the county or district attorney shall exercise due diligence to identify all*  
39 *grandparents, adult relatives of the child and any potential guardians*  
40 *identified by the parents and to provide:*

41 (1) *Notice of the removal of the child from the child's home;*

42 (2) *an explanation of options for participating in the care and place-*  
43 *ment of the child;*

- 1     (3) *an explanation of requirements to become licensed as a family*
- 2 *foster home, as defined in K.S.A. 38-134, and amendments thereto, if the*
- 3 *grandparent, adult relative or any potential guardian choose to become*
- 4 *licensed as a family foster home, and additional services and support for*
- 5 *the placement of the child; and*
- 6     (4) *any information for the grandparent, adult relative or any poten-*
- 7 *tial guardian to become an interested party, pursuant to this section.*
- 8     Sec. 2. K.S.A. 2008 Supp. 38-2241 is hereby repealed.
- 9     Sec. 3. This act shall take effect and be in force from and after its
- 10 publication in the statute book.