

HOUSE Substitute for SENATE BILL No. 247

By Committee on Federal and State Affairs

3-23

9 AN ACT concerning children in need of care; amending K.S.A. 65-508
10 and K.S.A. 2009 Supp. 38-2236, 38-2242, 38-2243 and 38-2255 and
11 65-6313 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2009 Supp. 38-2242 is hereby amended to read as
15 follows: 38-2242. (a) The court, upon verified application, may issue ex
16 parte an order directing that a child be held in protective custody and, if
17 the child has not been taken into custody, an order directing that the
18 child be taken into custody. The application shall state for each child:

- 19 (1) The applicant's belief that the child is a child in need of care;
20 (2) that the child is likely to sustain harm if not immediately removed
21 from the home;
22 (3) that allowing the child to remain in the home is contrary to the
23 welfare of the child; and
24 (4) the facts relied upon to support the application, including efforts
25 known to the applicant to maintain the family unit and prevent the un-
26 necessary removal of the child from the child's home, or the specific facts
27 supporting that an emergency exists which threatens the safety of the
28 child.

29 (b) (1) The order of protective custody may be issued only after the
30 court has determined there is probable cause to believe the allegations
31 in the application are true. The order shall remain in effect until the
32 temporary custody hearing provided for in K.S.A. 2009 Supp. 38-2243,
33 and amendments thereto, unless earlier rescinded by the court.

34 (2) No child shall be held in protective custody for more than 72
35 hours, excluding Saturdays, Sundays and legal holidays, unless within the
36 72-hour period a determination is made as to the necessity for temporary
37 custody in a temporary custody hearing. The time spent in custody pur-
38 suant to K.S.A. 2009 Supp. 38-2232, and amendments thereto, shall be
39 included in calculating the 72-hour period. Nothing in this subsection
40 shall be construed to mean that the child must remain in protective cus-
41 tody for 72 hours. If a child is in the protective custody of the secretary,
42 the secretary shall allow at least one supervised visit between the child
43 and the parent or parents within such time period as the child is in pro-

1 tective custody. The court may prohibit such supervised visit if the court
2 determines it is not in the best interest of the child.

3 (c) (1) Whenever the court determines the necessity for an order of
4 protective custody, the court may place the child in the protective custody
5 of:

6 (A) A parent or other person having custody of the child and may
7 enter a restraining order pursuant to subsection (e);

8 (B) a person, other than the parent or other person having custody,
9 who shall not be required to be licensed under article 5 of chapter 65 of
10 the Kansas Statutes Annotated, and amendments thereto;

11 (C) a youth residential facility;

12 (D) a shelter facility; or

13 (E) the secretary, if the child is 15 years of age or younger, or 16 or
14 17 years of age if the child has no identifiable parental or family resources
15 or shows signs of physical, mental, emotional or sexual abuse.

16 (2) If the secretary presents the court with a plan to provide services
17 to a child or family which the court finds will assure the safety of the
18 child, the court may only place the child in the protective custody of the
19 secretary until the court finds the services are in place. The court shall
20 have the authority to require any person or entity agreeing to participate
21 in the plan to perform as set out in the plan. When the child is placed in
22 the protective custody of the secretary, the secretary shall have the dis-
23 cretionary authority to place the child with a parent or to make other
24 suitable placement for the child. When the child is presently alleged, but
25 not yet adjudicated, to be a child in need of care solely pursuant to sub-
26 section (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments
27 thereto, the child may be placed in a juvenile detention facility or other
28 secure facility pursuant to an order of protective custody for a period of
29 not to exceed 24 hours, excluding Saturdays, Sundays and legal holidays.

30 (3) *If the child is placed with the child's grandparent, the secretary*
31 *may provide a sufficient amount of reimbursement to the grandparent for*
32 *the costs of the care of such child after considering the grandparent's*
33 *resources available to meet the needs of the child, except that the amount*
34 *of reimbursement shall not exceed the maximum reimbursement rate that*
35 *licensed foster parents receive for the care of a child under similar cir-*
36 *cumstances.*

37 (d) The order of protective custody shall be served pursuant to sub-
38 section (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on
39 the child's parents and any other person having legal custody of the child.
40 The order shall prohibit the removal of the child from the court's juris-
41 diction without the court's permission.

42 (e) If the court issues an order of protective custody, the court may
43 also enter an order restraining any alleged perpetrator of physical, sexual,

1 mental or emotional abuse of the child from residing in the child's home;
2 visiting, contacting, harassing or intimidating the child, other family mem-
3 ber or witness; or attempting to visit, contact, harass or intimidate the
4 child, other family member or witness. Such restraining order shall be
5 served by personal service pursuant to subsection (a) of K.S.A. 2009 Supp.
6 38-2237, and amendments thereto, on any alleged perpetrator to whom
7 the order is directed.

8 (f) (1) The court shall not enter an order removing a child from the
9 custody of a parent pursuant to this section unless the court first finds
10 probable cause that: (A)(i) the child is likely to sustain harm if not im-
11 mediately removed from the home;

12 (ii) allowing the child to remain in home is contrary to the welfare of
13 the child; or

14 (iii) immediate placement of the child is in the best interest of the
15 child; and

16 (B) reasonable efforts have been made to maintain the family unit
17 and prevent the unnecessary removal of the child from the child's home
18 or that an emergency exists which threatens the safety to the child.

19 (2) Such findings shall be included in any order entered by the court.
20 If the child is placed in the custody of the secretary, the court shall provide
21 the secretary with a written copy of any orders entered upon making the
22 order.

23 Sec. 2. K.S.A. 2009 Supp. 38-2243 is hereby amended to read as
24 follows: 38-2243. (a) Upon notice and hearing, the court may issue an
25 order directing who shall have temporary custody and may modify the
26 order during the pendency of the proceedings as will best serve the child's
27 welfare.

28 (b) A hearing pursuant to this section shall be held within 72 hours,
29 excluding Saturdays, Sundays and legal holidays, following a child having
30 been taken into protective custody.

31 (c) Whenever it is determined that a temporary custody hearing is
32 required, the court shall immediately set the time and place for the hear-
33 ing. Notice of a temporary custody hearing shall be given to all parties
34 and interested parties.

35 (d) Notice of the temporary custody hearing shall be given at least
36 24 hours prior to the hearing. The court may continue the hearing to
37 afford the 24 hours prior notice or, with the consent of the party or
38 interested party, proceed with the hearing at the designated time. If an
39 order of temporary custody is entered and the parent or other person
40 having custody of the child has not been notified of the hearing, did not
41 appear or waive appearance and requests a rehearing, the court shall
42 rehear the matter without unnecessary delay.

43 (e) Oral notice may be used for giving notice of a temporary custody

1 hearing where there is insufficient time to give written notice. Oral notice
2 is completed upon filing a certificate of oral notice.

3 (f) The court may enter an order of temporary custody after deter-
4 mining there is probable cause to believe that the: (1) Child is dangerous
5 to self or to others; (2) child is not likely to be available within the juris-
6 diction of the court for future proceedings; or (3) health or welfare of the
7 child may be endangered without further care.

8 (g) (1) Whenever the court determines the necessity for an order of
9 temporary custody the court may place the child in the temporary custody
10 of:

11 (A) A parent or other person having custody of the child and may
12 enter a restraining order pursuant to subsection (h);

13 (B) a person, other than the parent or other person having custody,
14 who shall not be required to be licensed under article 5 of chapter 65 of
15 the Kansas Statutes Annotated, and amendments thereto;

16 (C) a youth residential facility;

17 (D) a shelter facility; or

18 (E) the secretary, if the child is 15 years of age or younger, or 16 or
19 17 years of age if the child has no identifiable parental or family resources
20 or shows signs of physical, mental, emotional or sexual abuse.

21 (2) If the secretary presents the court with a plan to provide services
22 to a child or family which the court finds will assure the safety of the
23 child, the court may only place the child in the temporary custody of the
24 secretary until the court finds the services are in place. The court shall
25 have the authority to require any person or entity agreeing to participate
26 in the plan to perform as set out in the plan. When the child is placed in
27 the temporary custody of the secretary, the secretary shall have the dis-
28 cretionary authority to place the child with a parent or to make other
29 suitable placement for the child. When the child is presently alleged, but
30 not yet adjudicated to be a child in need of care solely pursuant to sub-
31 section (d)(9) or (d)(10) of K.S.A. 2009 Supp. 38-2202, and amendments
32 thereto, the child may be placed in a juvenile detention facility or other
33 secure facility, but the total amount of time that the child may be held in
34 such facility under this section and K.S.A. 2009 Supp. 38-2242, and
35 amendments thereto, shall not exceed 24 hours, excluding Saturdays,
36 Sundays and legal holidays. The order of temporary custody shall remain
37 in effect until modified or rescinded by the court or an adjudication order
38 is entered but not exceeding 60 days, unless good cause is shown and
39 stated on the record.

40 (3) *If the child is placed with the child's grandparent, the secretary*
41 *may provide a sufficient amount of reimbursement to the grandparent for*
42 *the costs of the care of such child after considering the grandparent's*
43 *resources available to meet the needs of the child, except that the amount*

1 *of reimbursement shall not exceed the maximum reimbursement rate that*
2 *licensed foster parents receive for the care of a child under similar cir-*
3 *cumstances.*

4 (h) If the court issues an order of temporary custody, the court may
5 also enter an order restraining any alleged perpetrator of physical, sexual,
6 mental or emotional abuse of the child from residing in the child's home;
7 visiting, contacting, harassing or intimidating the child; or attempting to
8 visit, contact, harass or intimidate the child, other family members or
9 witnesses. Such restraining order shall be served by personal service pur-
10 suant to subsection (a) of K.S.A. 2009 Supp. 38-2237, and amendments
11 thereto, on any alleged perpetrator to whom the order is directed.

12 (i) (1) The court shall not enter an order removing a child from the
13 custody of a parent pursuant to this section unless the court first finds
14 probable cause that: (A)(i) the child is likely to sustain harm if not im-
15 mediately removed from the home;

16 (ii) allowing the child to remain in home is contrary to the welfare of
17 the child; or

18 (iii) immediate placement of the child is in the best interest of the
19 child; and

20 (B) reasonable efforts have been made to maintain the family unit
21 and prevent the unnecessary removal of the child from the child's home
22 or that an emergency exists which threatens the safety to the child.

23 (2) Such findings shall be included in any order entered by the court.
24 If the child is placed in the custody of the secretary, upon making the
25 order the court shall provide the secretary with a written copy.

26 (j) If the court enters an order of temporary custody that provides
27 for placement of the child with a person other than the parent, the court
28 shall make a child support determination pursuant to K.S.A. 2009 Supp.
29 38-2277, and amendments thereto.

30 Sec. 3. K.S.A. 2009 Supp. 38-2255 is hereby amended to read as
31 follows: 38-2255. (a) *Considerations.* Prior to entering an order of dis-
32 position, the court shall give consideration to:

33 (1) The child's physical, mental and emotional condition;

34 (2) the child's need for assistance;

35 (3) the manner in which the parent participated in the abuse, neglect
36 or abandonment of the child;

37 (4) any relevant information from the intake and assessment process;
38 and

39 (5) the evidence received at the dispositional hearing.

40 (b) *Placement with a parent.* The court may place the child in the
41 custody of either of the child's parents subject to terms and conditions
42 which the court prescribes to assure the proper care and protection of
43 the child, including, but not limited to:

- 1 (1) Supervision of the child and the parent by a court services officer;
2 (2) participation by the child and the parent in available programs
3 operated by an appropriate individual or agency; and
4 (3) any special treatment or care which the child needs for the child's
5 physical, mental or emotional health and safety.
- 6 (c) *Removal of a child from custody of a parent.* The court shall not
7 enter an order removing a child from the custody of a parent pursuant
8 to this section unless the court first finds probable cause that: (1)(A) The
9 child is likely to sustain harm if not immediately removed from the home;
10 (B) allowing the child to remain in home is contrary to the welfare
11 of the child; or
12 (C) immediate placement of the child is in the best interest of the
13 child; and
14 (2) reasonable efforts have been made to maintain the family unit
15 and prevent the unnecessary removal of the child from the child's home
16 or that an emergency exists which threatens the safety to the child.
- 17 (d) *Custody of a child removed from the custody of a parent.* If the
18 court has made the findings required by subsection (c), the court shall
19 enter an order awarding custody to a relative of the child or to a person
20 with whom the child has close emotional ties, to any other suitable person,
21 to a shelter facility, to a youth residential facility or, if the child is 15 years
22 of age or younger, or 16 or 17 years of age if the child has no identifiable
23 parental or family resources or shows signs of physical, mental, emotional
24 or sexual abuse, to the secretary. *When the child is placed with the child's*
25 *grandparent, the secretary shall have the power and authority to provide*
26 *a sufficient amount of reimbursement to the grandparent for the costs of*
27 *the care of such child after considering the grandparent's resources avail-*
28 *able to meet the needs of the child, except that the amount of reimburse-*
29 *ment shall not exceed the maximum reimbursement rate that foster care*
30 *parents receive for the care of the child under similar circumstances.* Cus-
31 tody awarded under this subsection shall continue until further order of
32 the court.
- 33 (1) When custody is awarded to the secretary, the secretary shall con-
34 sider any placement recommendation by the court and notify the court
35 of the placement or proposed placement of the child within 10 days of
36 the order awarding custody.
- 37 (A) After providing the parties or interested parties notice and op-
38 portunity to be heard, the court may determine whether the secretary's
39 placement or proposed placement is contrary to the welfare or in the best
40 interests of the child. In making that determination the court shall con-
41 sider the health and safety needs of the child and the resources available
42 to meet the needs of children in the custody of the secretary. If the court
43 determines that the placement or proposed placement is contrary to the

1 welfare or not in the best interests of the child, the court shall notify the
2 secretary, who shall then make an alternative placement.

3 (B) The secretary may propose and the court may order the child to
4 be placed in the custody of a parent or parents if the secretary has pro-
5 vided and the court has approved an appropriate safety action plan which
6 includes services to be provided. The court may order the parent or par-
7 ents and the child to perform tasks as set out in the safety action plan.

8 (2) The custodian designated under this subsection shall notify the
9 court in writing at least 10 days prior to any planned placement with a
10 parent. The written notice shall state the basis for the custodian's belief
11 that placement with a parent is no longer contrary to the welfare or best
12 interest of the child. Upon reviewing the notice, the court may allow the
13 custodian to proceed with the planned placement or may set the date for
14 a hearing to determine if the child shall be allowed to return home. If
15 the court sets a hearing on the matter, the custodian shall not return the
16 child home without written consent of the court.

17 (3) The court may grant any person reasonable rights to visit the child
18 upon motion of the person and a finding that the visitation rights would
19 be in the best interests of the child.

20 (4) The court may enter an order restraining any alleged perpetrator
21 of physical, mental or emotional abuse or sexual abuse of the child from
22 residing in the child's home; visiting, contacting, harassing or intimidating
23 the child, other family member or witness; or attempting to visit, contact,
24 harass or intimidate the child, other family member or witness. Such
25 restraining order shall be served by personal service pursuant to subsec-
26 tion (a) of K.S.A. 2009 Supp. 38-2237, and amendments thereto, on any
27 alleged perpetrator to whom the order is directed.

28 (5) The court shall provide a copy of any orders entered within 10
29 days of entering the order to the custodian designated under this
30 subsection.

31 (e) *Further determinations regarding a child removed from the home.*
32 If custody has been awarded under subsection (d) to a person other than
33 a parent, a permanency plan shall be provided or prepared pursuant to
34 K.S.A. 2009 Supp. 38-2264, and amendments thereto. If a permanency
35 plan is provided at the dispositional hearing, the court may determine
36 whether reintegration is a viable alternative or, if reintegration is not a
37 viable alternative, whether the child should be placed for adoption or a
38 permanent custodian appointed. In determining whether reintegration is
39 a viable alternative, the court shall consider:

40 (1) Whether a parent has been found by a court to have committed
41 one of the following crimes or to have violated the law of another state
42 prohibiting such crimes or to have aided and abetted, attempted, con-
43 spired or solicited the commission of one of these crimes: Murder in the

1 first degree, K.S.A. 21-3401, and amendments thereto, murder in the
2 second degree, K.S.A. 21-3402, and amendments thereto, capital murder,
3 K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A.
4 21-3403, and amendments thereto, or a felony battery that resulted in
5 bodily injury;

6 (2) whether a parent has subjected the child or another child to ag-
7 gravated circumstances;

8 (3) whether a parent has previously been found to be an unfit parent
9 in proceedings under this code or in comparable proceedings under the
10 laws of another state or the federal government;

11 (4) whether the child has been in extended out of home placement;

12 (5) whether the parents have failed to work diligently toward
13 reintegration;

14 (6) whether the secretary has provided the family with services nec-
15 essary for the safe return of the child to the home; and

16 (7) whether it is reasonable to expect reintegration to occur within a
17 time frame consistent with the child's developmental needs.

18 (f) *Proceedings if reintegration is not a viable alternative.* If the court
19 determines that reintegration is not a viable alternative, proceedings to
20 terminate parental rights and permit placement of the child for adoption
21 or appointment of a permanent custodian shall be initiated unless the
22 court finds that compelling reasons have been documented in the case
23 plan why adoption or appointment of a permanent custodian would not
24 be in the best interests of the child. If compelling reasons have not been
25 documented, the county or district attorney shall file a motion within 30
26 days to terminate parental rights or a motion to appoint a permanent
27 custodian within 30 days and the court shall hold a hearing on the motion
28 within 90 days of its filing. No hearing is required when the parents
29 voluntarily relinquish parental rights or consent to the appointment of a
30 permanent custodian.

31 (g) *Additional Orders.* In addition to or in lieu of any other order
32 authorized by this section:

33 (1) The court may order the child and the parents of any child who
34 has been adjudicated a child in need of care to attend counseling sessions
35 as the court directs. The expense of the counseling may be assessed as
36 an expense in the case. No mental health provider shall charge a greater
37 fee for court-ordered counseling than the provider would have charged
38 to the person receiving counseling if the person had requested counseling
39 on the person's own initiative.

40 (2) If the court has reason to believe that a child is before the court
41 due, in whole or in part, to the use or misuse of alcohol or a violation of
42 K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto,
43 by the child, a parent of the child, or another person responsible for the

1 care of the child, the court may order the child, parent of the child or
2 other person responsible for the care of the child to submit to and com-
3 plete an alcohol and drug evaluation by a qualified person or agency and
4 comply with any recommendations. If the evaluation is performed by a
5 community-based alcohol and drug safety program certified pursuant to
6 K.S.A. 8-1008, and amendments thereto, the child, parent of the child or
7 other person responsible for the care of the child shall pay a fee not to
8 exceed the fee established by that statute. If the court finds that the child
9 and those legally liable for the child's support are indigent, the fee may
10 be waived. In no event shall the fee be assessed against the secretary.

11 (3) If child support has been requested and the parent or parents
12 have a duty to support the child, the court may order one or both parents
13 to pay child support and, when custody is awarded to the secretary, the
14 court shall order one or both parents to pay child support. The court shall
15 determine, for each parent separately, whether the parent is already sub-
16 ject to an order to pay support for the child. If the parent is not presently
17 ordered to pay support for any child who is subject to the jurisdiction of
18 the court and the court has personal jurisdiction over the parent, the court
19 shall order the parent to pay child support in an amount determined
20 under K.S.A. 2009 Supp. 38-2277, and amendments thereto. Except for
21 good cause shown, the court shall issue an immediate income withholding
22 order pursuant to K.S.A. 23-4,105 et seq., and amendments thereto, for
23 each parent ordered to pay support under this subsection, regardless of
24 whether a payor has been identified for the parent. A parent ordered to
25 pay child support under this subsection shall be notified, at the hearing
26 or otherwise, that the child support order may be registered pursuant to
27 K.S.A. 2009 Supp. 38-2279, and amendments thereto. The parent shall
28 also be informed that, after registration, the income withholding order
29 may be served on the parent's employer without further notice to the
30 parent and the child support order may be enforced by any method al-
31 lowed by law. Failure to provide this notice shall not affect the validity of
32 the child support order.

33 Sec. 4. K.S.A. 2009 Supp. 38-2236 is hereby amended to read as
34 follows: 38-2236. (a) *Persons to be served*. The summons and a copy of
35 the petition shall be served on:

36 (1) The child alleged to be a child in need of care by serving the
37 guardian *ad litem* appointed for the child;

38 (2) the parents or parent having legal custody or who may be ordered
39 to pay child support by the court;

40 (3) the person with whom the child is residing; and

41 (4) any other person designated by the county or district attorney.

42 (b) A copy of the petition and notice of hearing shall be mailed by
43 first class mail to the child's grandparents *and to all other adult relatives*

1 *identified by either parent* with whom the child does not reside.

2 Sec. 5. K.S.A. 65-508 is hereby amended to read as follows: 65-508.

3 (a) Any maternity center or child care facility subject to the provisions of
4 this act shall: (1) Be properly heated, plumbed, lighted and ventilated;
5 (2) have plumbing, water and sewerage systems which conform to all
6 applicable state and local laws; and (3) be operated with strict regard to
7 the health, comfort, safety and social welfare of the residents.

8 (b) Every maternity center or child care facility shall furnish or cause
9 to be furnished for the use of each resident and employee individual
10 towel, wash cloth, comb and individual drinking cup or sanitary bubbling
11 fountain, and toothbrushes for all other than infants, and shall keep or
12 require such articles to be kept at all times in a clean and sanitary con-
13 dition. Every maternity center or child care facility shall comply with all
14 applicable fire codes and rules and regulations of the state fire marshal.

15 (c) The secretary of health and environment with the cooperation of
16 the secretary of social and rehabilitation services shall develop and adopt
17 rules and regulations for the operation and maintenance of maternity
18 centers and child care facilities. The rules and regulations for operating
19 and maintaining maternity centers and child care facilities shall be de-
20 signed to promote the health, safety and welfare of the residents who are
21 to be served in such facilities by ensuring safe and adequate physical
22 surroundings, healthful food, supervision and care of the residents by
23 capable, qualified, *trained* persons of sufficient number, an adequate pro-
24 gram of activities and services and such appropriate parental participation
25 as may be feasible under the circumstances. *Such regulations shall include*
26 *training requirements for persons who provide direct services and are not*
27 *otherwise licensed to provide professional services.* Boarding schools are
28 excluded from requirements regarding the number of qualified persons
29 who must supervise and provide care to residents.

30 (d) Each child cared for in a child care facility, including children of
31 the person maintaining the facility, shall be required to have current such
32 immunizations as the secretary of health and environment considers nec-
33 essary. The person maintaining a child care facility shall maintain a record
34 of each child's immunizations and shall provide to the secretary of health
35 and environment such information relating thereto, in accordance with
36 rules and regulations of the secretary, but the person maintaining a child
37 care facility shall not have such person's license revoked solely for the
38 failure to have or to maintain the immunization records required by this
39 subsection.

40 (e) The immunization requirement of subsection (d) shall not apply
41 if one of the following is obtained:

42 (1) Certification from a licensed physician stating that the physical
43 condition of the child is such that immunization would endanger the

1 child's life or health; or

2 (2) a written statement signed by a parent or guardian that the parent
3 or guardian is an adherent of a religious denomination whose teachings
4 are opposed to immunizations.

5 New Sec. 6. (a) Guardians ad litem appointed to represent children
6 in cases pursuant to the revised Kansas code for care of children, K.S.A.
7 2009 Supp. 38-2201 et seq., the parentage act, K.S.A. 38-1110 et seq. and
8 domestic relations, K.S.A. 60-1601 et seq., and amendments thereto, shall
9 participate in not less than six hours of continuing education in areas of
10 education including, but are not limited to, dynamics of abuse and ne-
11 glect; roles and responsibilities; cultural awareness; communication and
12 communication with children skills and information gathering and inves-
13 tigatory techniques; advocacy skills; child development; mental health is-
14 sues; permanence and the law; community resources; professional re-
15 sponsibility; special education law; substance abuse issues; school law; and
16 the code for the care of children. The hours of continuing education, if
17 approved by the continuing legal education commission, shall apply to
18 the continuing legal education requirements of the supreme court.

19 (b) Guardians ad litem shall file an annual continuing education re-
20 port with the chief judge of the judicial district in which their practice is
21 located on or before July 1 each year demonstrating their compliance
22 with this section.

23 New Sec. 7. Court-appointed special advocates shall attend not less
24 than six hours of continuing education annually in the area of child welfare
25 including, but not limited to, the court system, child development, abuse
26 and neglect, special education and substance abuse.

27 Sec. 8. K.S.A. 2009 Supp. 65-6313 is hereby amended to read as
28 follows: 65-6313. (a) All licenses issued shall be effective upon the date
29 issued and shall expire at the end of 24 months from the date of issuance.

30 (b) Except as otherwise provided in K.S.A. 65-6311 and amendments
31 thereto, a license may be renewed by the payment of the renewal fee set
32 forth in K.S.A. 65-6314 and amendments thereto and the execution and
33 submission of a signed statement, on a form to be provided by the board,
34 attesting that the applicant's license has been neither revoked nor cur-
35 rently suspended and that applicant has met the requirements for con-
36 tinuing education established by the board including not less than three
37 continuing education hours of professional ethics. *A licensee who works*
38 *with children in foster care shall complete not less than six continuing*
39 *education hours each year in the area of child welfare including, but not*
40 *limited to, the court system, child development, abuse and neglect, special*
41 *education and substance abuse. The continuing education hours which*
42 *guardians ad litem must attend shall qualify as continuing education un-*
43 *der this section.* An applicant for renewal of a license as a master social

1 worker or a specialist clinical social worker, as part of such continuing
2 education, shall complete not less than six continuing education hours
3 relating to diagnosis and treatment of mental disorders.

4 (c) The application for renewal shall be made on or before the date
5 of the expiration of the license or on or before the date of the termination
6 of the period of suspension.

7 (d) If the application for renewal, including payment of the required
8 renewal fee, is not made on or before the date of the expiration of the
9 license, the license is void, and no license shall be reinstated except upon
10 payment of the required renewal fee established under K.S.A. 65-6314
11 and amendments thereto, plus a penalty equal to the renewal fee, and
12 proof satisfactory to the board of the completion of 40 hours of continuing
13 education within two years prior to application for reinstatement. Upon
14 receipt of such payment and proof, the board shall reinstate the license.
15 A license shall be reinstated under this subsection, upon receipt of such
16 payment and proof, at any time after the expiration of such license.

17 (e) In case of a lost or destroyed license, and upon satisfactory proof
18 of the loss or destruction thereof, the board may issue a duplicate license
19 and shall charge a fee as set forth in K.S.A. 65-6314 and amendments
20 thereto for such duplicate license.

21 Sec. 9. K.S.A. 65-508 and K.S.A. 2009 Supp. 38-2236, 38-2242, 38-
22 2243 and 38-2255 and 65-6313 are hereby repealed.

23 Sec. 10. This act shall take effect and be in force from and after its