

SESSION OF 2003

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2125**

As Amended by Senate Committee on  
Judiciary

**Brief\***

The bill provides for a pilot project to expire on July 1, 2005, to be established in one rural and one urban judicial district in which the court may not exclude foster parents, and up to two people designated by the child's parents, in CINC proceedings. Of the two people allowed to attend who are designated by the parent, both must have participated in an approved parent advocate program. The program must include:

- ! Information about the confidentiality of the proceedings;
- ! Information on the child and parents' right to counsel;
- ! The definitions and jurisdiction under the CINC Code;
- ! The types and purposes of the hearings;
- ! Options for informal supervision and disposition placement options;
- ! The parent's obligation to financially support the child;
- ! Obligations of the Secretary of Social and Rehabilitation Services (SRS);
- ! Obligations of entities that contract with SRS for family preservation, foster care, and adoption;
- ! The termination of parental rights;
- ! The procedures for appeals; and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

! The basic rules regarding court procedure.

Once the pilot projects are completed, a report of the results must be submitted to the Legislature.

The House version of the bill also would allow a child's foster parents to attend CINC hearings in all cases. Foster parents may be excluded under current law.

The bill also would provide for an expedited hearing when a child is removed, in an emergency situation, from the home of a parent, relative, or foster home after living in the home for at least six months. A request for a hearing may be made within 24 hours excluding Saturdays, Sundays, and legal holidays. The court will then schedule a hearing within 72 hours excluding Saturdays, Sundays, and legal holidays. Notice of the hearing will be given to each parent, whose address is known, the relative or foster parent who requested the hearing, the child if 12 or older, and the child's guardian *ad litem*. At the hearing the court will determine (1) whether an emergency exists which required removal and (2) whether it is in the child's best interest to be immediately returned.

## **Background**

Representative Brenda Landwehr appeared in support of the bill and indicated the issues had been studied by the 2002 interim Joint Committee on Children's Issues. Others who expressed support for the bill include a conferee from SRS and the Office of Judicial Administration, a district court judge from Sedgwick County, and two foster parents.

The fiscal note indicates that for FY 2004 there would be an expenditure of \$7,000.