

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 202

As Amended by House Committee of the Whole

Brief*

SB 202, as amended, would amend the definition of child care facility to exempt from the definition those homes in which children who are in the custody of the Secretary of Social and Rehabilitation Services are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement.

The bill also would exempt child care facilities operated and maintained by an accredited school from the licensure requirements (Kansas Department of Health and Environment) for maternity centers or child care facilities.

Background

The introduction of SB 202 was requested by the Department of Health and Environment whose spokesperson presented testimony in support of the bill at the Senate Committee hearing, noting that amending the definition of "child care facility" as proposed in the bill has the effect of exempting the homes of individuals who wish to adopt children in the custody of the Secretary of Social and Rehabilitation Services and who have signed an adoptive placement agreement from licensure by the Secretary of Health and Environment. It was further noted differing statutory requirements governing adoption and child care facility licensure have led to a lack of clarity regarding whether placement by a court with a prospective adoptive parent or parents requires the family home to be licensed as a family foster home. Proponents argued

*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>

that the bill would resolve this issue. Support for the bill was also expressed by a representative of the Children's Alliance of Kansas.

The Senate Committee amendment is intended to clarify exactly which homes are not to be considered "child care facilities" for the purpose of state licensing and regulation.

The House Committee of the Whole amendment exempted certain child care facilities from licensure requirements under KSA 65-501.

The fiscal note on the original bill indicates there would be no fiscal effect from passage of the bill.