

SUPPLEMENTAL NOTE ON SENATE BILL NO. 435

As Amended by House Committee on
Judiciary

Brief*

SB 435, as amended, would amend the Revised Kansas Code for Care of Children and the Revised Kansas Juvenile Justice Code. The bill would:

- Clarify that a custodian may give consent for medical treatment when a child's parents refuse to give consent, or are not available to give consent, and surgical or medical care is determined by a physician to be necessary for the welfare of the child;
- Authorize service of process upon a confined parent to be made to the confined parent, in care of the person in charge of the institution in which the parent is confined or that person's designee;
- Clarify that in evidentiary hearings for termination of parental rights, the case may proceed with a proffer of evidence from a party who is not present for the hearing, unless that party is represented by counsel and has instructed the counsel to object to the proceeding;
- Clarify that persons entitled to notice of hearing in a Child in Need of Care proceeding have the right to be heard;
- Clarify the law so that a court may not enter an order approving the removal of a child from the home of a parent unless the Court makes certain findings;

*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>

- Clarify the start time for scheduling permanency hearings;
- Clarify that relinquishment from an incarcerated parent or a parent living out of state may be accomplished in writing so long as it is acknowledged by either a judge or a notary;
- Add a definition of “infectious disease” that broadens permitted testing to all infectious disease rather than limiting it to HIV and Hepatitis B; and
- Clarify that the definition of Commissioner of Juvenile Justice also would apply to the Commissioner’s designee.

Background

The proponent of the bill was Judge Tim Henderson, District Judge of the 18th Judicial District (Sedgwick County), on behalf of the Kansas Judicial Council. There was no testimony in opposition to the bill.

The Senate Committee on Judiciary made technical and clarifying amendments to the bill as requested by Randy Hearrell, Executive Director of the Kansas Judicial Council.

The House Committee amended the bill to do the following:

- Clarify the definition of Commissioner; and
- Strike the proposed amendment which would have authorized a court to consider extended out-of-home placement as a factor when determining unfitness of a parent in a termination hearing.

The fiscal note from the Division of the Budget states the bill would have no fiscal effect.