

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2549

As Recommended by House Committee on
Judiciary

Brief*

HB 2549 would amend law in the Kansas Adoption and Relinquishment Act (KARA) governing petitions to terminate parental rights (TPR) to specify the TPR petition may be filed only as part of a petition for adoption or as a separate action in connection with the petition for adoption. Current law provides a TPR petition may be filed as an independent action.

For TPR petitions that are filed separately from petitions for adoption, the bill would specify venue for TPR petitions must be in the county where the child or a parent resides or is found, and the order granting the petition must:

- Be in substantial compliance with the Kansas Judicial Council (Judicial Council) form;
- Be a final judgment that is appealable as a matter of right;
- Satisfy the KARA requirement that the necessity for consent or relinquishment is eliminated (if the order is not appealed); and
- Be effective only upon the filing of an adoption decree.

*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>

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Judicial Council.

House Committee on Judiciary

In the House Committee hearing, a representative of the Adoption Law Advisory Committee of the Judicial Council testified as a **proponent** of the bill, stating the statute's current language allowing "independent actions" has been misinterpreted by some petitioners and that the change in the bill would prevent the filing of TPR petitions against a parent when no related adoption proceeding is pending before a court. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would have a negligible effect on the number of adoptions and, therefore, any effect on expenditures and revenue for the Judicial Branch and the State General Fund would be minimal.

The Department for Children and Families indicates enactment of the bill would not have a fiscal effect on the agency.

The Judicial Council indicates enactment of the bill would have no fiscal effect on the agency and that it would develop the form required under the bill.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

Termination of parental rights; adoption; Kansas Adoption and Relinquishment Act; Kansas Judicial Council