

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 115**

As Amended by House Committee on Child  
Welfare and Foster Care

**Brief\***

SB 115, as amended, would amend law governing the notice required in a hearing on a petition for adoption in the Kansas Adoption and Relinquishment Act. The bill would reorganize and clarify provisions related to notice required for independent and stepparent adoptions, private agency adoptions, and public agency adoptions.

***Independent and Stepparent Adoptions***

The bill would require notice in an independent and stepparent adoption to be given to:

- The parents, presumed parents, or possible parents;
- Any person who has physical custody of the child; and
- Any legal guardian of the child.

***Private Agency Adoptions***

The bill would require notice in a private agency adoption to be given to:

- The consenting agency;

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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>

- The parents, the presumed parents, or possible parents;
- Any relinquishing person;
- Any person who has physical custody of the child; and
- Any legal guardian of the child.

### ***Public Agency Adoptions***

The bill would require notice in a public agency adoption to be given only to the consenting agency.

### ***Other Amendments***

The bill would also clarify that a person who receives notice of a hearing under this section would not be made a party or granted standing based solely on the fact that the person received such notice. The bill would further specify that notice is not required to be given to a person whose parental rights have been terminated or to a person who or agency that has waived the right to receive notice in writing.

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*.

### **Background**

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

## **Senate Committee on Judiciary**

In the Senate Committee hearing on February 8, 2023, **proponent** testimony was provided by representatives of Saint Francis Ministries and the Kansas Judicial Council, who stated the objective of the bill is to correct issues that have arisen as a result of the Legislature expanding notice requirements for public agency adoptions in 2018, which has in some cases resulted in trauma for a child when a biological parent whose rights have been terminated attends the hearing.

No other testimony was provided.

## **House Committee on Child Welfare and Foster Care**

In the House Committee hearing on March 15, 2023, **proponent** testimony was provided by representatives of Saint Francis Ministries and the Kansas Judicial Council, who restated their positions from the Senate Committee hearing.

The House Committee amended the bill to make the bill effective upon publication in the *Kansas Register*.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states enactment of the bill could have a fiscal effect on Judicial Branch operations because the bill's provisions would require district court clerks to send adoption hearing notices to additional individuals, which would increase the clerks' workload. The Office indicates a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Adoption; notice of hearing; public agency adoption