

HOUSE BILL No. 2638

By Committee on Child Welfare and Foster Care

Requested by Representative Carr

2-3

1 AN ACT concerning children and minors; relating to the secretary for
2 children and families; requiring that a child in the custody of the
3 secretary be provided notification of such child's rights; maintaining
4 records of provision and the child's acknowledgement of the provision
5 of notification of the child's rights; providing for written confirmation
6 of comprehension by the child of such rights; amending K.S.A. 2025
7 Supp. 38-2201a and repealing the existing section.
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. K.S.A. 2025 Supp. 38-2201a is hereby amended to read as
11 follows: 38-2201a. (a) This section shall be known and may be cited as the
12 Representative Gail Finney memorial foster care bill of rights.

13 (b) Consistent with the policy of the state expressed in K.S.A. 38-
14 2201 et seq., and amendments thereto, in order to ensure proper care and
15 protection of a child in need of care in the child welfare system, unless
16 otherwise ordered by the court, such child shall have the right to:

17 (1) Live in a safe, comfortable placement, in accordance with K.S.A.
18 38-2255, and amendments thereto:

19 (A) Where such child lives in the least restrictive environment;
20 (B) where such child shall be treated with respect, have a place to
21 store belongings and receive healthy food, adequate clothing and
22 appropriate personal hygiene products;

23 (C) with siblings when possible; and

24 (D) upon proper investigation and consideration in accordance with
25 K.S.A. 38-2242, and amendments thereto, with a relative, kinship care
26 placement or someone from such child's community with similar religious
27 beliefs or ethnic heritage;

28 (2) have visits with family;

29 (3) have as few placements as possible;

30 (4) have and maintain belongings by:

31 (A) Making a list of belongings to have when placed out of home;

32 (B) providing such list of belongings to such child's case manager;

33 (C) bringing such belongings when placed out of home; and

34 (D) if going on a visit or to a new placement, having belongings
35 packed and transportable for the visit or move;

- 1 (5) have access to all appropriate school supplies, services, tutoring,
2 extra-curricular, cultural and personal enrichment activities;
- 3 (6) attend school daily in accordance with K.S.A. 38-2218, and
4 amendments thereto;
- 5 (7) receive a high school diploma if such child has earned the
6 standard credits in accordance with K.S.A. 38-2285, and amendments
7 thereto;
- 8 (8) be notified of all hearings held pursuant to the revised Kansas
9 code for care of children, when age or developmentally appropriate;
- 10 (9) attend, in person or virtually, all court hearings held pursuant to
11 the revised Kansas code for care of children, when age or developmentally
12 appropriate;
- 13 (10) address the court regarding any proposed placement or
14 placement change in accordance with K.S.A. 38-2262, and amendments
15 thereto, when age or developmentally appropriate;
- 16 (11) have a guardian ad litem represent the best interests of the child,
17 in accordance with K.S.A. 38-2205, and amendments thereto, and contact
18 such child regularly;
- 19 (12) request an attorney who will represent the position of the child,
20 if different than the determinations of the guardian ad litem, in accordance
21 with K.S.A. 38-2205, and amendments thereto;
- 22 (13) have privacy to send and receive unopened mail and make and
23 receive phone calls;
- 24 (14) have regular and private contact with and access to case
25 managers, attorneys and advocates;
- 26 (15) access accurate and necessary information for such child's well-
27 being from case managers, guardians and any person who is by law liable
28 to maintain, care for or support the child;
- 29 (16) have as few changes in case managers as possible;
- 30 (17) contact a case manager's supervisor if there is a conflict that
31 cannot be resolved between such child and such child's case manager;
- 32 (18) report a violation of this section without fear of punishment,
33 interference, coercion or retaliation; and
- 34 (19) when transitioning out of the child welfare system:
 - 35 (A) Be an active participant in developing a transition plan, as
36 defined in K.S.A. 38-2202, and amendments thereto;
 - 37 (B) have services and benefits explained;
 - 38 (C) have a checking or savings account;
 - 39 (D) learn to manage money, when age or developmentally
40 appropriate;
 - 41 (E) learn job skills that are age or developmentally appropriate; and
 - 42 (F) be involved in life skills training and activities.
- 43 (c) Consistent with the policy of the state expressed in K.S.A. 38-

1 2201 et seq., and amendments thereto, in order to ensure active
2 participation of foster parents and kinship caregivers as an integral,
3 indispensable and vital role in the state's efforts to care for children in the
4 custody of the secretary, unless otherwise ordered by the court, such foster
5 parents and kinship caregivers shall have the right to:

6 (1) Be treated by the Kansas department for children and families and
7 other child welfare system stakeholders with dignity, respect and trust as a
8 primary provider of care and support and a member of the professional
9 team caring for a child in the custody of the secretary;

10 (2) not be discriminated in accordance with the Kansas act against
11 discrimination, K.S.A. 44-1001, et seq., and amendments thereto, and
12 federal law;

13 (3) continue with such foster parents' and kinship caregivers' own
14 family values and beliefs with consideration given to the special needs of
15 children who have experienced trauma and separation from their biological
16 families, if the values and beliefs of the child and the biological family are
17 respected and not infringed upon;

18 (4) make decisions concerning the child consistent with the policies,
19 procedures and other directions of the Kansas department for children and
20 families and within the limits of state and federal law;

21 (5) receive standardized preservice training by the Kansas department
22 for children and families or the department's designee and at appropriate
23 intervals to meet mutually assessed needs of the child, such foster parents
24 and kinship caregivers;

25 (6) receive timely financial reimbursement and be notified of any
26 costs or expenses for which such foster parents and kinship caregivers may
27 be eligible for reimbursement in accordance with K.S.A. 38-2216, and
28 amendments thereto;

29 (7) receive information regarding services and contact the Kansas
30 department for children and families or the department's designee during
31 regular business hours and, in the event of an emergency, by telephone
32 after business hours;

33 (8) receive any information on issues concerning the child and known
34 to the Kansas department for children and families or the department's
35 designee that is relevant to the care of the child or that may jeopardize the
36 health and safety of the foster family, the kinship care placement or the
37 child or alter the manner in which care and services should be
38 administered prior to the placement of such child;

39 (9) discuss known information regarding the child prior to placement
40 and be provided additional information from the Kansas department for
41 children and families or the department's designee as such information
42 becomes available under state and federal law;

43 (10) refuse placement of a child in such foster parents' and kinship

1 caregivers' home or request the removal of a child from such foster
2 parents' and kinship caregivers' home after providing reasonable notice;
3 (11) receive any available information through the Kansas department
4 for children and families regarding the number of times a child has been
5 placed and the reasons for such placements, and receive the names and
6 phone numbers of any previous placements if such placements have
7 authorized such a release by law;

8 (12) receive information from the Kansas department for children and
9 families that is relevant to the care of a child when the child is placed with
10 such foster parents and kinship caregivers;

11 (13) provide input and participate in the case planning process for the
12 child and participate in and be informed about the planning of visitation
13 between the child and the child's biological family, recognizing that
14 visitation with the child's biological family is important, in accordance
15 with K.S.A. 38-2255, and amendments thereto;

16 (14) communicate with the child's child welfare case management
17 provider and share and obtain relevant and appropriate information
18 regarding such child's placement;

19 (15) communicate with members of the child's professional team,
20 including, but not limited to, such child's child welfare management
21 provider, therapists, physicians and teachers as allowed by rules and
22 regulations and state and federal law, for the purpose of participating in
23 such child's case plan;

24 (16) be notified in advance of any court hearing or review where the
25 case plan or permanency of the child is an issue, including periodic
26 reviews held by the court, in accordance with the revised Kansas code for
27 care of children;

28 (17) be considered as a placement option, if a child who was formerly
29 placed with such parents or kinship caregivers is in the custody of the
30 secretary again;

31 (18) continue contact and communication with a child subsequent to
32 the child's placement from such foster parents' and kinship caregivers'
33 home, subject to the approval of the child and the child's biological
34 parents, if such biological parents' rights have not been terminated;

35 (19) direct questions to the Kansas department for children and
36 families regarding information, concerns, policy violations and a
37 corrective action plan relating to licensure as a family foster home;

38 (20) have the rights described in this section be given full
39 consideration when the Kansas department for children and families
40 develops and approves policies regarding placement and permanency;

41 (21) submit a report to the court pursuant to K.S.A. 38-2261, and
42 amendments thereto; and

43 (22) request a court hearing regarding a change of placement notice

1 pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been
2 placed with the same foster parents for six months or longer.

3 (d) (1) *In a manner that is age and developmentally appropriate, as
4 soon as a child is in the custody of the secretary, whether by emergency,
5 temporary order or has been adjudicated to be a child in need of care, the
6 secretary shall make every effort to provide oral and written notification
7 to the child of the child's rights pursuant to subsection (b) and any
8 information for filing complaints. In an effort to ensure that the child has
9 understood the notice and such child's rights, the child's case file shall
10 include, if age and developmentally appropriate, a copy of the notification
11 provided to the child pursuant to this paragraph that is signed or
12 acknowledged by the child.*

13 (2) The secretary shall provide written and oral notification to ~~foster
14 youth~~, foster parents and kinship caregivers of the rights created under ~~this
15 section~~ subsection (c) and information for filing complaints.

16 (2)(3) The secretary shall make a list of the rights created under this
17 section digitally available on the secretary's website.

18 (3)(4) Each child welfare management provider shall make available
19 physical and digital copies of a list of the rights created under this section.

20 (e) This section shall not be construed to create a private right of
21 action independent of the revised Kansas code for care of children, but
22 may be enforced through equitable relief as a part of the corresponding
23 case under the revised Kansas code for care of children.

24 (f) This section shall be a part of and supplemental to the revised
25 Kansas code for care of children.

26 Sec. 2. K.S.A. 2025 Supp. 38-2201a is hereby repealed.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.