

## HOUSE BILL No. 2734

By Committee on Child Welfare and Foster Care

Requested by Representative Humphries

2-5

1 AN ACT concerning children and minors; relating to the revised Kansas  
2 code for care of children; requiring expedited procedures for children  
3 who are under two years of age at the time that a petition is filed  
4 requesting such child be adjudicated to be a child in need of care;  
5 requiring permanency be achieved within 12 months of an out-of-home  
6 placement for such child; requiring the secretary for children and  
7 families and the judicial branch to submit a report to the legislature on  
8 implementing expedited permanency processes; defining a permanent  
9 home for a child under two years of age; prohibiting certain  
10 continuances in such a child's proceeding unless good cause is shown;  
11 establishing a presumption that transfer of venue for a proceeding  
12 would be against such child's best interests; requiring concurrent  
13 adjudication and dispositional hearings for such child; requiring a  
14 permanency hearing for such child be held within three months of  
15 removal from such child's home; directing the court to request certain  
16 information from the secretary at permanency planning hearings for  
17 such child; amending K.S.A. 38-2204, 38-2246, 38-2251 and 38-2253  
18 and K.S.A. 2025 Supp. 38-2264 and repealing the existing sections.  
19

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

21 New Section 1. (a) The secretary for children and families shall  
22 implement the expedited procedures for permanency for a child under two  
23 years of age at the time a petition is filed requesting such child be  
24 adjudicated to be a child in need of care in consultation with the judicial  
25 branch and each regional office of the Kansas department for children and  
26 families.

27 (b) This act shall apply to any petitions filed in accordance with  
28 K.S.A. 38-2201 et seq., and amendments thereto, on or after July 1, 2027.

29 (c) On or before the first day of the 2028 regular session of the  
30 legislature, and each year thereafter, the secretary, in consultation with the  
31 judicial branch, shall submit a written report to the legislature. Such report  
32 shall include an evaluation of effectiveness of expedited procedures and  
33 whether out-of-home placement costs have been avoided as the result of  
34 such implementation.

35 (d) The secretary, in consultation with the judicial branch, shall

1 submit a final report to the legislature on or before the first day of the 2036  
2 regular session of the legislature. Such report shall include any  
3 recommendations concerning the continuation of the expedited  
4 procedures, recommendations on any statutory changes, including, if  
5 necessary, any recommendations for extensions of time required for  
6 statewide implementation and any other information deemed necessary  
7 and appropriate.

8 (e) This section shall be a part of and supplemental to the revised  
9 Kansas code for care of children.

10 New Sec. 2. (a) A child under two years of age at the time a petition  
11 is filed requesting such child be adjudicated to be a child in need of care  
12 shall be placed in a permanent home not later than 12 months after the  
13 original out-of-home placement unless the court determines that such  
14 placement in such permanent home is not in the best interests of the child  
15 at that time.

16 (b) In determining whether such delay of placement in a permanent  
17 home is in the best interests of the child, the court shall determine by clear  
18 and convincing evidence that reasonable efforts were made to find the  
19 child an appropriate permanent home and such a home is not currently  
20 available or that the child's mental or physical needs deem it improbable  
21 that such child would have a successful permanent home placement.

22 (c) The secretary and the child's guardian ad litem shall provide the  
23 court with a report specifying which services are being provided to the  
24 child in order to remedy concerns demonstrated in subsection (b).

25 (d) In addition to hearings required by the revised Kansas code for  
26 care of children, the court shall hold a hearing at least every six months  
27 until the child has been placed in a permanent home.

28 (e) As used in this section, "permanent home" means the child's  
29 reunification with the child's parents, placement with a relative or kinship  
30 caregiver, placement with a potential adoptive parent, such child has been  
31 appointed a permanent guardian or any other living arrangement or  
32 placement deemed appropriate by the court.

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

35 Sec. 3. K.S.A. 38-2204 is hereby amended to read as follows: 38-  
36 2204. (a) Venue of any case involving a child in need of care shall be in  
37 the county of the child's residence or in the county where the child is  
38 found.

39 (b) Upon application of any party or interested party and after notice  
40 to all other parties and interested parties, the court in which the petition  
41 was originally filed alleging that a child is a child in need of care may  
42 order the proceedings transferred to the court of the county where:

43 (1) The child is physically present;

1 (2) the parent or parents reside; or

2 (3) other proceedings are pending in this state concerning custody of  
3 the child. The judge of the court in which the case is pending shall consult  
4 with the judge of the proposed receiving court prior to transfer of the case.

5       (c) If a child is under two years of age at the time a petition is filed  
6 and the subject of a transfer application pursuant to subsection (b), it  
7 shall be presumed by the court that a transfer without good cause that  
8 results in a delay of judicial proceedings would be detrimental to the  
9 child's best interests. Such presumption may be rebutted by a  
0 preponderance of the evidence.

11 (d) If the judges do not agree that the case should be transferred or if  
12 a hearing is requested, a hearing shall be held on the desirability of the  
13 transfer, with notice to parties or interested parties, the secretary and the  
14 proposed receiving court. If the judge of the transferring court orders the  
15 case transferred, the order of transfer shall include findings stating why the  
16 case is being transferred and, if available, the names and addresses of all  
17 interested parties to whom the receiving court should provide notice of any  
18 further proceedings. The receiving court shall accept the case. Upon a  
19 judge ordering a transfer of venue, the clerk shall transmit the contents of  
20 the official file and a complete copy of the social file to the court to which  
21 venue is transferred, and, upon receipt of the record, the receiving court  
22 shall assume jurisdiction as if the proceedings were originally filed in that  
23 court. The transferring judge, if an adjudicatory hearing has been held,  
24 shall also transmit recommendations as to disposition. The court may  
25 return the case to the court where it originated if the child is not present in  
26 the receiving county or, the receiving county is not the residence of the  
27 child's parent or parents.

28 Sec. 4. K.S.A. 38-2251 is hereby amended to read as follows: 38-  
29 2251. (a) If the court finds that the child is not a child in need of care, the  
30 court shall enter an order dismissing the proceedings.

31 (b) If the court finds that the child is a child in need of care, the court  
32 shall enter an order adjudicating the child to be a child in need of care and  
33 may proceed to enter other orders as authorized by this code.

34       (c) If such a child is under two years of age at the time a petition is  
35 filed, the court shall hold a dispositional hearing at the same time,  
36 whenever possible. If no such concurrent hearing is held, the court shall  
37 set a dispositional hearing within 30 days after entering an order  
38 adjudicating the child to be a child in need of care, unless good cause for  
39 a continuance is shown.

40       (e)(d) A final adjudication or dismissal shall be entered within 60  
41 days from the date of the filing of the petition, unless good cause for a  
42 continuance is shown on the record.

43 Sec. 5. K.S.A. 38-2246 is hereby amended to read as follows: 38-

1 2246. (a) All proceedings under this code shall be disposed of without  
2 unnecessary delay. Continuances shall not be granted unless good cause is  
3 shown.

4 (b) *When a child who is the subject of a child in need of care  
5 proceeding is under two years of age at the time a petition is filed, good  
6 cause shall be shown for continuances by clear and convincing evidence.*

7 Sec. 6. K.S.A. 38-2253 is hereby amended to read as follows: 38-  
8 2253. (a) At a dispositional hearing, the court shall receive testimony and  
9 other relevant information with regard to the safety and well being of the  
10 child and may enter orders regarding:

11 (1) Case planning which sets forth the responsibilities and timelines  
12 necessary to achieve permanency for the child; and

13 (2) custody of the child.

14 (b) An order of disposition may be entered at the time of the  
15 adjudication if notice has been provided pursuant to K.S.A. 38-2254, and  
16 amendments thereto, but shall be entered within 30 days following  
17 adjudication, unless delayed for good cause shown.

18 (c) If the dispositional hearing meets the requirements of K.S.A. 38-  
19 2265, and amendments thereto, the dispositional hearing may serve as a  
20 permanency hearing.

21 (d)(1) *Any dispositional hearing regarding a child who is under two  
22 years of age at the time a petition is filed shall include a permanency plan.*

23 (2)(A) *Such a dispositional hearing shall not be continued, unless  
24 good cause is shown and the court finds that the best interests of the child  
25 will be served by granting a continuance.*

26 (B) *Whenever any such continuance is granted, the court shall set  
27 forth the specific reasons necessitating the continuance and schedule the  
28 hearing within 30 days after the date of granting the continuance.*

29 (3) *If appropriate, in any dispositional hearing regarding a child who  
30 is under two years of age at the time a petition, the court shall include all  
31 other children residing in the same household who are under two years of  
32 age at the time a petition is filed for such other children.*

33 Sec. 7. K.S.A. 2025 Supp. 38-2264 is hereby amended to read as  
34 follows: 38-2264. (a) A permanency hearing is a proceeding conducted by  
35 the court or by a citizen review board for the purpose of determining  
36 progress toward accomplishment of a permanency plan as established by  
37 K.S.A. 38-2263, and amendments thereto.

38 (b) The court or a citizen review board shall hear and the court shall  
39 determine whether and, if applicable, when the child will be:

40 (1) Reintegrated with the child's parents;

41 (2) placed for adoption;

42 (3) placed with a permanent custodian;

43 (4) if the child is 16 years of age or older, placed with a SOUL family

1 legal permanency custodian; or

2 (5) if the child is 16 years of age or older and the secretary has  
3 documented compelling reasons why it would not be in the child's best  
4 interests for a placement in one of the placements pursuant to paragraphs  
5 (1) through (4), placed in another planned permanent living arrangement.

6 (c) At each permanency hearing, the court shall:

7 (1) Review with all present parties, including parents and interested  
8 parties, the current permanency goal and, on the record, inquire of each  
9 party whether each party: (A) Participated in the most recent permanency  
10 plan; (B) received a copy of such plan; and (C) has made reasonable  
11 efforts to achieve the permanency goal in place at the time of the hearing.  
12 If a party did not participate in such plan, the court shall inquire the  
13 reasoning for nonparticipation. If a party did not receive a copy of the  
14 most recent permanency plan, the court shall order the secretary to provide  
15 such party with such copy within two business days of entering such  
16 order;:

17 (2) Enter a finding as to whether reasonable efforts have been made  
18 by appropriate public or private agencies to rehabilitate the family and  
19 achieve the permanency goal in place at the time of the hearing;

20 (3) enter a finding as to whether the reasonable and prudent parenting  
21 standard has been met and whether the child has regular, ongoing  
22 opportunities to engage in age or developmentally appropriate activities.  
23 The secretary shall report to the court the steps the secretary is taking to  
24 ensure that the child's foster family home or child care institution is  
25 following the reasonable and prudent parenting standard and that the child  
26 has regular, ongoing opportunities to engage in age or developmentally  
27 appropriate activities, including consultation with the child in an age-  
28 appropriate manner about the opportunities of the child to participate in the  
29 activities; and

30 (4) if the child is 14 years of age or older, document the efforts made  
31 by the secretary to help the child prepare for the transition from custody to  
32 a successful adulthood. The secretary shall report to the court the programs  
33 and services that are being provided to the child that will help the child  
34 prepare for the transition from custody to a successful adulthood; and

35 (5) *if the child is under two years of age at the time a petition is filed,*  
36 *request the secretary to show good cause why the court should not order a*  
37 *motion to terminate parental rights. Such good cause shall include, but not*  
38 *be limited to, that the parent has maintained regular parenting or*  
39 *visitation time with the child and the child would benefit from continuing*  
40 *such time and parental relationship or the parent does not qualify as unfit*  
41 *pursuant to K.S.A. 38-2269, and amendments thereto.*

42 (d) The requirements of this subsection shall apply only if the  
43 permanency goal in place at the time of the hearing is another planned

1 permanent living arrangement as described in subsection (b)(5). At each  
2 permanency hearing held with respect to the child, in addition to the  
3 requirements of subsection (c), the court shall:

4 (1) Ask the child, if the child is able, by attendance at the hearing or  
5 by report to the court, about the desired permanency outcome for the child;

6 (2) document the intensive, ongoing and, as of the date of the hearing,  
7 unsuccessful permanency efforts made by the secretary to return the child  
8 home or secure a placement for the child with a fit and willing relative, a  
9 legal custodian or guardian or an adoptive parent. The secretary shall  
10 report to the court the intensive, ongoing and, as of the date of the hearing,  
11 unsuccessful efforts made by the secretary to return the child home or  
12 secure a placement for the child with a fit and willing relative, a legal  
13 custodian or guardian or an adoptive parent, including efforts that utilize  
14 search technology, including social media, to find biological family  
15 members of the child; and

16 (3) make a judicial determination explaining why, as of the date of  
17 the hearing, another planned permanent living arrangement is the best  
18 permanency plan for the child and provide compelling reasons why it  
19 continues to not be in the best interests of the child to return home, be  
20 placed with a fit and willing relative, a legal custodian or guardian or an  
21 adoptive parent.

22 (e) The requirements of this subsection shall apply only if the child is  
23 placed in a qualified residential treatment program at the time of the  
24 permanency hearing. At each permanency hearing held with respect to the  
25 child, in addition to the requirements of subsection (c), the court shall  
26 document:

27 (1) That the ongoing assessment of the strengths and needs of the  
28 child continues to support the determination that the needs of the child  
29 cannot be met through placement in a foster family home, that the  
30 placement in a qualified residential treatment program provides the most  
31 effective and appropriate level of care for the child in the least restrictive  
32 environment, and that the placement is consistent with the short-term and  
33 long-term goals for the child, as specified in the permanency plan for the  
34 child;

35 (2) the specific treatment or service needs that will be met for the  
36 child in the placement and the length of time the child is expected to need  
37 the treatment or services; and

38 (3) the efforts made by the secretary to prepare the child to return  
39 home or to be placed with a fit and willing relative, a legal custodian or  
40 guardian, an adoptive parent or in a foster family home.

41 (f) A permanency hearing shall be held within nine months of the  
42 date the court authorized the child's removal from the home and not less  
43 frequently than every six months thereafter. If the court makes a finding

1 that the requirements of subsection (c)(1), (2) or (3) have not been met, a  
2 subsequent permanency hearing shall be held not later than 60 days  
3 following the finding.

4       (g) *When a child is under two years of age at the time a petition is  
5 filed, a permanency hearing shall be held within three months of the date  
6 that the court authorized the child's removal from the home.*

7       (h) If the court determines at any time other than during a  
8 permanency hearing that reintegration may not be a viable alternative for  
9 the child, a permanency hearing shall be held not later than 30 days  
10 following that determination.

11       (h)(i) When the court finds that reintegration continues to be a viable  
12 alternative, the court shall determine whether and, if applicable, when the  
13 child will be returned to the parent. The court may rescind any of its prior  
14 dispositional orders and enter any dispositional order authorized by this  
15 code or may order that a new plan for the reintegration be prepared and  
16 submitted to the court. If reintegration cannot be accomplished as  
17 approved by the court, the court shall be informed and shall schedule a  
18 hearing pursuant to this section. No such hearing is required when the  
19 parents voluntarily relinquish parental rights or consent to appointment of  
20 a permanent custodian or a SOUL family legal permanency custodian.

21       (h)(j) If the court finds reintegration is no longer a viable alternative,  
22 the court shall consider whether: (1) The child is in a stable placement  
23 with a relative; (2) services set out in the case plan necessary for the safe  
24 return of the child have been made available to the parent with whom  
25 reintegration is planned; or (3) compelling reasons are documented in the  
26 case plan to support a finding that neither adoption nor appointment of a  
27 permanent custodian are in the child's best interests. If reintegration is not  
28 a viable alternative and either adoption or appointment of a permanent  
29 custodian might be in the best interests of the child, the county or district  
30 attorney or the county or district attorney's designee shall file a motion to  
31 terminate parental rights or a motion to appoint a permanent custodian  
32 within 30 days and the court shall set a hearing on such motion within 90  
33 days of the filing of such motion.

34       (h)(k) If the court enters an order terminating parental rights to a child,  
35 or an agency has accepted a relinquishment pursuant to K.S.A. 59-2124,  
36 and amendments thereto, the requirements for permanency hearings shall  
37 continue until an adoption or appointment of a permanent custodian or a  
38 SOUL family legal permanency custodian has been accomplished and  
39 court jurisdiction has been terminated. If the court determines that  
40 reasonable efforts or progress have not been made toward finding an  
41 adoptive placement or appointment of a permanent custodian or a SOUL  
42 family legal permanency custodian or placement with a fit and willing  
43 relative, the court may rescind its prior orders and make others regarding

1 custody and adoption that are appropriate under the circumstances.  
2 Reports of a proposed adoptive placement need not contain the identity of  
3 the proposed adoptive parents.

4       ~~(k)(l)~~ If permanency with one parent has been achieved without the  
5 termination of the other parent's rights, the court may, prior to dismissing  
6 the case, enter child custody orders, including residency and parenting  
7 time that the court determines to be in the best interests of the child. The  
8 court shall complete a parenting plan pursuant to K.S.A. 23-3213, and  
9 amendments thereto.

10      (1) Before entering a custody order under this subsection, the court  
11 shall inquire whether a custody order has been entered or is pending in a  
12 civil custody case by a court of competent jurisdiction within the state of  
13 Kansas.

14      (2) If a civil custody case has been filed or is pending, a certified  
15 copy of the custody, residency and parenting time orders shall be filed in  
16 the civil custody case. The court in the civil custody case may, after  
17 consultation with the court in the child in need of care case, enter an order  
18 declaring that the custody order in the child in need of care case shall  
19 become the custody order in the civil custody case.

20      (3) A district court, on its own motion or upon the motion of any  
21 party, may order the consolidation of the child in need of care case with  
22 any open civil custody case involving the child and both of the child's  
23 parents. Custody, residency and parenting time orders entered in  
24 consolidated child in need of care and civil custody cases take precedence  
25 over any previous orders affecting both parents and the child that were  
26 entered in the civil custody case regarding the same or related issues.  
27 Following entry of a custody order in a consolidated case, the court shall  
28 dismiss the child in need of care case and, if necessary, return the civil  
29 custody case to the original court having jurisdiction over the case.

30      (4) If no civil custody case has been filed, the court may direct the  
31 parties to file a civil custody case and to file the custody orders from the  
32 child in need of care case in such civil case. Costs of the civil custody case  
33 may be assessed to the parties.

34      (5) Nothing in this subsection shall operate to expand access to  
35 information that is confidential under K.S.A. 38-2209, and amendments  
36 thereto, and the confidentiality of such information shall be preserved in  
37 all filings in a civil custody case.

38       ~~(k)(m)~~ When permanency has been achieved to the satisfaction of the  
39 court, the court shall enter an order closing the case.

40      Sec. 8. K.S.A. 38-2204, 38-2246, 38-2251 and 38-2253 and K.S.A.  
41 2025 Supp. 38-2264 are hereby repealed.

42      Sec. 9. This act shall take effect and be in force from and after its  
43 publication in the statute book.