

Proposed Amendments to HB 2482  
For Committee on Judiciary  
February 16, 2012  
Prepared by: Office of Revisor of Statutes

1 knowledge of the child's birth;  
2 (B) the father is unfit as a parent or incapable of giving consent;  
3 (C) the father has made no reasonable efforts to support or  
4 communicate with the child after having knowledge of the child's birth;  
5 (D) the father, after having knowledge of the pregnancy or possible  
6 pregnancy, failed without reasonable cause to provide support for the  
7 mother during the six months prior to the child's birth;

8 (E) the father abandoned the mother after having knowledge of the  
9 pregnancy or possible pregnancy;  
10 (F) the birth of the child was the result of rape of the mother; or  
11 (G) the father has failed or refused to assume the duties of a parent  
12 for two consecutive years next preceding the filing of the petition.

13 (2) In making a finding whether parental rights shall be terminated  
14 under this subsection, the court may:

15 ~~(A) Consider and weigh the best interest of the child; and~~  
16 ~~(B) disregard incidental visitations, contacts, communications or~~  
17 contributions.

18 (3) In determining whether the father has failed or refused to assume  
19 the duties of a parent for two consecutive years next preceding the filing of  
20 the petition for adoption, there shall be a rebuttable presumption that if the  
21 father, after having knowledge of the child's birth, has knowingly failed to  
22 provide a substantial portion of the child support as required by judicial  
23 decree, when financially able to do so, for a period of two years next  
24 preceding the filing of the petition for adoption, then such father has failed  
25 or refused to assume the duties of a parent.

26 (i) A termination of parental rights under this section shall not  
27 terminate the right of the child to inherit from or through the parent. Upon  
28 such termination, all the rights of birth parents to such child, including  
29 their right to inherit from or through such child, shall cease.

30 (j) For the purposes of this section, "support" means any tender of  
31 ~~(1) significant monetary support or (2) significant nonmonetary support~~  
32 Sec. 4. K.S.A. 59-2124 and 59-2134 and K.S.A. 2011 Supp. 59-2136  
33 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its  
35 publication in the statute book.

(k) If the court finds a separate ground for termination of rights under this section, the court may also consider the best interests of the child as the court balances the constitutional rights of both birth parents regarding adoption and requisite termination of rights.