

HOUSE BILL No. 2103

By Committee on Children and Seniors

1-30

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; placement of a child in a qualified residential
3 treatment program; amending K.S.A. 2018 Supp. 23-2210, 38-2202,
4 38-2234 and 38-2264 and repealing the existing sections; also repealing
5 K.S.A. 2017 Supp. 38-2202, as amended by section 9 of chapter 107 of
6 the 2018 Session Laws of Kansas.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Whenever a child is placed in a qualified
10 residential treatment program, the secretary shall notify the court in
11 writing within seven days of placement. Written notice shall also be given
12 to: (1) The petitioner; (2) the attorney for the parents, if any; (3) each
13 parent at the last known address; (4) the child, if 12 or more years of age;
14 (5) the child's guardian ad litem; (6) any other party or interested party;
15 and (7) the child's court-appointed special advocate.

16 (b) Within 30 days after a child is placed in a qualified residential
17 treatment program, any person enumerated in subsection (a)(1) through (7)
18 receiving notice as provided above may request, in writing, that the court
19 conduct a hearing. If a hearing is requested, the court shall conduct the
20 hearing within 60 days of placement. The court shall give notice of the
21 hearing to all persons enumerated in subsection (a)(1) through (7).

22 (c) The secretary shall provide to the court in writing an assessment
23 and documentation of the need for placement in a qualified residential
24 treatment program.

25 (d) Within 60 days after a child is placed in a qualified residential
26 treatment program, the court shall:

27 (1) Consider the assessment and documentation provided by the
28 secretary pursuant to subsection (c);

29 (2) determine whether the needs of the child can be met through
30 placement in a foster family home or, if not, whether placement of the
31 child in a qualified residential treatment program provides the most
32 effective and appropriate level of care for the child in the least restrictive
33 environment and whether that placement is consistent with the short-term
34 and long-term goals for the child as specified in the permanency plan for
35 the child; and

36 (3) approve or disapprove the placement.

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

3 Sec. 2. K.S.A. 2018 Supp. 23-2210 is hereby amended to read as
4 follows: 23-2210. (a) The district court has jurisdiction of an action
5 brought under the Kansas parentage act. The action may be joined with an
6 action for divorce, annulment, separate maintenance, support or adoption.

7 (b) If any determination is sought in any action under the Kansas
8 parentage act for custody, residency or parenting time, the initial pleading
9 seeking that determination shall include that information required by
10 K.S.A. 2018 Supp. 23-37,209, and amendments thereto.

11 (c) The action may be brought in the county in which the child, the
12 mother or the presumed or alleged father resides or is found. If a parent or
13 an alleged or presumed parent is deceased, an action may be brought in the
14 county in which proceedings for probate of the estate of the parent or
15 alleged or presumed parent have been or could be commenced.

16 (d) Any order issued pursuant to the revised Kansas code for care of
17 children or the revised Kansas juvenile justice code, shall take precedence
18 over any order under article 22 of chapter 23 of the Kansas Statutes
19 Annotated, and amendments thereto (determination of parentage), until
20 jurisdiction under the revised Kansas code for care of children or the
21 revised Kansas juvenile justice code is terminated.

22 (e) If a court of competent jurisdiction within this state has entered an
23 order pursuant to the revised Kansas code for care of children regarding
24 custody of a child or children who are involved in a proceeding filed
25 pursuant to this section, and such court has determined pursuant to
26 ~~subsection (i)(2) of~~ K.S.A. 38-2264(k), and amendments thereto, that the
27 orders in that case shall become the custody orders in the parentage case,
28 such court shall file a certified copy of the orders with the civil case
29 number in the caption and then close the case under the revised Kansas
30 code for care of children. Such orders shall be binding on the parties,
31 unless modified based on a material change in circumstances, even if such
32 courts have different venues.

33 Sec. 3. K.S.A. 2018 Supp. 38-2202 is hereby amended to read as
34 follows: 38-2202. As used in the revised Kansas code for care of children,
35 unless the context otherwise indicates:

36 (a) "Abandon" or "abandonment" means to forsake, desert or, without
37 making appropriate provision for substitute care, cease providing care for
38 the child.

39 (b) "Adult correction facility" means any public or private facility,
40 secure or nonsecure, ~~which~~ *that* is used for the lawful custody of accused
41 or convicted adult criminal offenders.

42 (c) "Aggravated circumstances" means the abandonment, torture,
43 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

1 (d) "Child in need of care" means a person less than 18 years of age
2 at the time of filing of the petition or issuance of an ex parte protective
3 custody order pursuant to K.S.A. 2018 Supp. 38-2242, and amendments
4 thereto, who:

5 (1) Is without adequate parental care, control or subsistence and the
6 condition is not due solely to the lack of financial means of the child's
7 parents or other custodian;

8 (2) is without the care or control necessary for the child's physical,
9 mental or emotional health;

10 (3) has been physically, mentally or emotionally abused or neglected
11 or sexually abused;

12 (4) has been placed for care or adoption in violation of law;

13 (5) has been abandoned or does not have a known living parent;

14 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
15 and amendments thereto;

16 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
17 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2018 Supp. 21-6301(a)(14),
18 and amendments thereto, or, except as provided in paragraph (12), does an
19 act which, when committed by a person under 18 years of age, is
20 prohibited by state law, city ordinance or county resolution, but which is
21 not prohibited when done by an adult;

22 (8) while less than 10 years of age, commits any act ~~which~~ *that* if
23 done by an adult would constitute the commission of a felony or
24 misdemeanor as defined by K.S.A. 2018 Supp. 21-5102, and amendments
25 thereto;

26 (9) is willfully and voluntarily absent from the child's home without
27 the consent of the child's parent or other custodian;

28 (10) is willfully and voluntarily absent at least a second time from a
29 court ordered or designated placement, or a placement pursuant to court
30 order, if the absence is without the consent of the person with whom the
31 child is placed or, if the child is placed in a facility, without the consent of
32 the person in charge of such facility or such person's designee;

33 (11) has been residing in the same residence with a sibling or another
34 person under 18 years of age, who has been physically, mentally or
35 emotionally abused or neglected, or sexually abused;

36 (12) while less than 10 years of age commits the offense defined in
37 K.S.A. 2018 Supp. 21-6301(a)(14), and amendments thereto;

38 (13) has had a permanent custodian appointed and the permanent
39 custodian is no longer able or willing to serve; or

40 (14) has been subjected to an act ~~which~~ *that* would constitute human
41 trafficking or aggravated human trafficking, as defined by K.S.A. 2018
42 Supp. 21-5426, and amendments thereto, or commercial sexual
43 exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and

1 amendments thereto, or has committed an act which, if committed by an
2 adult, would constitute selling sexual relations, as defined by K.S.A. 2018
3 Supp. 21-6419, and amendments thereto.

4 (e) "Citizen review board" is a group of community volunteers
5 appointed by the court and whose duties are prescribed by K.S.A. 2018
6 Supp. 38-2207 and 38-2208, and amendments thereto.

7 (f) "Civil custody case" includes any case filed under chapter 23 of
8 the Kansas Statutes Annotated, and amendments thereto, the Kansas
9 family law code, article 11 of chapter 38 of the Kansas Statutes Annotated,
10 and amendments thereto, determination of parentage, article 21 of chapter
11 59 of the Kansas Statutes Annotated, and amendments thereto, adoption
12 and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes
13 Annotated, and amendments thereto, guardians and conservators.

14 (g) "Court-appointed special advocate" means a responsible adult
15 other than an attorney guardian ad litem who is appointed by the court to
16 represent the best interests of a child, as provided in K.S.A. 2018 Supp.
17 38-2206, and amendments thereto, in a proceeding pursuant to this code.

18 (h) "Custody" whether temporary, protective or legal, means the
19 status created by court order or statute ~~which~~ that vests in a custodian,
20 whether an individual or an agency, the right to physical possession of the
21 child and the right to determine placement of the child, subject to
22 restrictions placed by the court.

23 (i) "Extended out of home placement" means a child has been in the
24 custody of the secretary and placed with neither parent for 15 of the most
25 recent 22 months beginning 60 days after the date at which a child in the
26 custody of the secretary was removed from the child's home.

27 (j) "Educational institution" means all schools at the elementary and
28 secondary levels.

29 (k) "Educator" means any administrator, teacher or other professional
30 or paraprofessional employee of an educational institution who has
31 exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments
32 thereto.

33 (l) "Harm" means physical or psychological injury or damage.

34 (m) "Interested party" means the grandparent of the child, a person
35 with whom the child has been living for a significant period of time when
36 the child in need of care petition is filed, and any person made an
37 interested party by the court pursuant to K.S.A. 2018 Supp. 38-2241, and
38 amendments thereto, or Indian tribe seeking to intervene that is not a party.

39 (n) "Jail" means:

40 (1) An adult jail or lockup; or

41 (2) a facility in the same building or on the same grounds as an adult
42 jail or lockup, unless the facility meets all applicable standards and
43 licensure requirements under law and there is: (A) Total separation of the

1 juvenile and adult facility spatial areas such that there could be no
2 haphazard or accidental contact between juvenile and adult residents in the
3 respective facilities; (B) total separation in all juvenile and adult program
4 activities within the facilities, including recreation, education, counseling,
5 health care, dining, sleeping and general living activities; and (C) separate
6 juvenile and adult staff, including management, security staff and direct
7 care staff such as recreational, educational and counseling.

8 (o) "Juvenile detention facility" means any secure public or private
9 facility used for the lawful custody of accused or adjudicated juvenile
10 offenders ~~which~~ that must not be a jail.

11 (p) "Juvenile intake and assessment worker" means a responsible
12 adult authorized to perform intake and assessment services as part of the
13 intake and assessment system established pursuant to K.S.A. 75-7023, and
14 amendments thereto.

15 (q) "Kinship care placement" means the placement of a child in the
16 home of an adult with whom the child or the child's parent already has
17 close emotional ties.

18 (r) "Law enforcement officer" means any person who by virtue of
19 office or public employment is vested by law with a duty to maintain
20 public order or to make arrests for crimes, whether that duty extends to all
21 crimes or is limited to specific crimes.

22 (s) "Multidisciplinary team" means a group of persons, appointed by
23 the court under K.S.A. 2018 Supp. 38-2228, and amendments thereto,
24 ~~which~~ that has knowledge of the circumstances of a child in need of care.

25 (t) "Neglect" means acts or omissions by a parent, guardian or person
26 responsible for the care of a child resulting in harm to a child, or
27 presenting a likelihood of harm, and the acts or omissions are not due
28 solely to the lack of financial means of the child's parents or other
29 custodian. Neglect may include, but shall not be limited to:

30 (1) Failure to provide the child with food, clothing or shelter
31 necessary to sustain the life or health of the child;

32 (2) failure to provide adequate supervision of a child or to remove a
33 child from a situation ~~which~~ that requires judgment or actions beyond the
34 child's level of maturity, physical condition or mental abilities and that
35 results in bodily injury or a likelihood of harm to the child; or

36 (3) failure to use resources available to treat a diagnosed medical
37 condition if such treatment will make a child substantially more
38 comfortable, reduce pain and suffering, or correct or substantially diminish
39 a crippling condition from worsening. A parent legitimately practicing
40 religious beliefs who does not provide specified medical treatment for a
41 child because of religious beliefs shall, not for that reason, be considered a
42 negligent parent; however, this exception shall not preclude a court from
43 entering an order pursuant to K.S.A. 2018 Supp. 38-2217(a)(2), and

1 amendments thereto.

2 (u) "Parent" when used in relation to a child or children, includes a
3 guardian and every person who is by law liable to maintain, care for or
4 support the child.

5 (v) "Party" means the state, the petitioner, the child, any parent of the
6 child and an Indian child's tribe intervening pursuant to the Indian child
7 welfare act.

8 (w) "Permanency goal" means the outcome of the permanency
9 planning process, which may be reintegration, adoption, appointment of a
10 permanent custodian or another planned permanent living arrangement.

11 (x) "Permanent custodian" means a judicially approved permanent
12 guardian of a child pursuant to K.S.A. 2018 Supp. 38-2272, and
13 amendments thereto.

14 (y) "Physical, mental or emotional abuse" means the infliction of
15 physical, mental or emotional harm or the causing of a deterioration of a
16 child and may include, but shall not be limited to, maltreatment or
17 exploiting a child to the extent that the child's health or emotional well-
18 being is endangered.

19 (z) "Placement" means the designation by the individual or agency
20 having custody of where and with whom the child will live.

21 (aa) *"Qualified residential treatment program" means a program*
22 *designated by the secretary for children and families as a qualified*
23 *residential treatment program pursuant to federal law.*

24 (bb) "Reasonable and prudent parenting standard" means the standard
25 characterized by careful and sensible parental decisions that maintain the
26 health, safety and best interests of a child while at the same time
27 encouraging the emotional and developmental growth of the child, that a
28 caregiver shall use when determining whether to allow a child in foster
29 care under the responsibility of the state to participate in extracurricular,
30 enrichment, cultural and social activities.

31 ~~(bb)~~(cc) "Relative" means a person related by blood, marriage or
32 adoption.

33 ~~(ee)~~(dd) "Runaway" means a child who is willfully and voluntarily
34 absent from the child's home without the consent of the child's parent or
35 other custodian.

36 ~~(dd)~~(ee) "Secretary" means the secretary for children and families or
37 the secretary's designee.

38 ~~(ee)~~(ff) "Secure facility" means a facility, other than a staff secure
39 facility ~~which~~ *or juvenile detention facility, that* is operated or structured
40 so as to ensure that all entrances and exits from the facility are under the
41 exclusive control of the staff of the facility, whether or not the person
42 being detained has freedom of movement within the perimeters of the
43 facility, ~~or which~~ *that* relies on locked rooms and buildings, fences or

1 physical restraint in order to control behavior of its residents. No secure
2 facility shall be in a city or county jail.

3 ~~(ff)~~(gg) "Sexual abuse" means any contact or interaction with a child
4 in which the child is being used for the sexual stimulation of the
5 perpetrator, the child or another person. Sexual abuse shall include, but is
6 not limited to, allowing, permitting or encouraging a child to:

7 (1) Be photographed, filmed or depicted in pornographic material; or

8 (2) be subjected to aggravated human trafficking, as defined in
9 K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if committed in
10 whole or in part for the purpose of the sexual gratification of the offender
11 or another, or be subjected to an act ~~which~~ that would constitute conduct
12 proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or
13 K.S.A. 2018 Supp. 21-6419 or 21-6422, and amendments thereto.

14 ~~(gg)~~(hh) "Shelter facility" means any public or private facility or
15 home, other than a juvenile detention facility or staff secure facility, that
16 may be used in accordance with this code for the purpose of providing
17 either temporary placement for children in need of care prior to the
18 issuance of a dispositional order or longer term care under a dispositional
19 order.

20 ~~(hh)~~(ii) "Staff secure facility" means a facility described in K.S.A. 65-
21 535, and amendments thereto: (1) That does not include construction
22 features designed to physically restrict the movements and activities of
23 juvenile residents who are placed therein; (2) that may establish reasonable
24 rules restricting entrance to and egress from the facility; and (3) in which
25 the movements and activities of individual juvenile residents may, for
26 treatment purposes, be restricted or subject to control through the use of
27 intensive staff supervision. No staff secure facility shall be in a city or
28 county jail.

29 ~~(ii)~~(jj) "Transition plan" means, when used in relation to a youth in
30 the custody of the secretary, an individualized strategy for the provision of
31 medical, mental health, education, employment and housing supports as
32 needed for the adult and, if applicable, for any minor child of the adult, to
33 live independently and specifically provides for the supports and any
34 services for which an adult with a disability is eligible including, but not
35 limited to, funding for home and community based services waivers.

36 ~~(jj)~~(kk) "Youth residential facility" means any home, foster home or
37 structure ~~which~~ that provides 24-hour-a-day care for children and ~~which~~
38 that is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
39 Annotated, and amendments thereto.

40 Sec. 4. K.S.A. 2018 Supp. 38-2234 is hereby amended to read as
41 follows: 38-2234. (a) *Filing and contents of petition.* (1) A petition filed to
42 commence an action pursuant to this code shall be filed with the clerk of
43 the district court and shall state, if known:

- 1 (A) The name, date of birth and residence address of the child;
2 (B) the name and residence address of the child's parents;
3 (C) the name and address of the child's nearest known relative if no
4 parent can be found;
5 (D) the name and residence address of any persons having custody or
6 control of the child; and
7 (E) plainly and concisely in the language of the statutory definition,
8 the basis for the petition.
- 9 (2) The petition shall also state the specific facts ~~which~~ *that* are relied
10 upon to support the allegation referred to in the preceding paragraph
11 including any known dates, times and locations.
- 12 (3) The proceedings shall be entitled: "In the Interest of
13 _____."
- 14 (4) The petition shall contain a request that the court find the child to
15 be a child in need of care.
- 16 (5) The petition shall contain a request that the parent or parents be
17 ordered to pay child support. The request for child support may be omitted
18 with respect to a parent already ordered to pay child support for the child
19 and shall be omitted with respect to one or both parents upon written
20 request of the secretary.
- 21 (6) If the petition requests custody of the child to the secretary or a
22 person other than the child's parent, the petition shall specify the efforts
23 known to the petitioner to have been made to maintain the family and
24 prevent the transfer of custody, or it shall specify the facts demonstrating
25 that an emergency exists which threatens the safety to the child.
- 26 (7) If the petition requests removal of the child from the child's home,
27 in addition to the information required by K.S.A. 2018 Supp. 38-2234 (a)
28 (6), and amendments thereto, the petition shall specify the facts
29 demonstrating that allowing the child to remain in the home would be
30 contrary to the welfare of the child or that placement is in the best interests
31 of the child and the child is likely to sustain harm if not removed from the
32 home.
- 33 (8) *The petition shall have an attached copy of the prevention plan, if*
34 *any, that has been prepared for the child.*
- 35 (9) The petition shall contain the following statement: "If you do not
36 appear in court the court will be making decisions without your input
37 which could result in:
- 38 (A) The permanent or temporary removal of the child from the
39 custody of the parent or present legal guardian;
40 (B) an order requiring one or both parents to pay child support until
41 the permanent termination of one or both of the parents' parental rights;
42 (C) the permanent termination of one or both of the parents' parental
43 rights; and

1 (D) the appointment of a permanent custodian for the child.

2 If you cannot attend the hearing you may send a written response to the
3 petition to the clerk of the court."

4 ~~(9)~~(10) The petition shall contain the following statement: "You may
5 receive further notices of other hearings, proceedings and actions in this
6 case which you may attend. These notices will be sent to you by first class
7 mail to your last known address or an address you provide to the court. It
8 is your responsibility to keep the court informed of your current address."

9 (b) *Motions*. Motions may be made orally or in writing. The motion
10 shall state with particularity the grounds for the motion and shall state the
11 relief or order sought.

12 Sec. 5. K.S.A. 2018 Supp. 38-2264 is hereby amended to read as
13 follows: 38-2264. (a) A permanency hearing is a proceeding conducted by
14 the court or by a citizen review board for the purpose of determining
15 progress toward accomplishment of a permanency plan as established by
16 K.S.A. 2018 Supp. 38-2263, and amendments thereto.

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

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

20 (2) placed for adoption;

21 (3) placed with a permanent custodian; or

22 (4) if the child is 16 years of age or older and the secretary has
23 documented compelling reasons why it would not be in the child's best
24 interests for a placement in one of the placements pursuant to paragraphs
25 (1), (2) or (3), placed in another planned permanent *living* arrangement.

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

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

30 (2) enter a finding as to whether the reasonable and prudent parenting
31 standard has been met and whether the child has regular, ongoing
32 opportunities to engage in age or developmentally appropriate activities.
33 The secretary shall report to the court the steps the secretary is taking to
34 ensure that the child's foster family home or child care institution is
35 following the reasonable and prudent parenting standard and that the child
36 has regular, ongoing opportunities to engage in age or developmentally
37 appropriate activities, including consultation with the child in an age-
38 appropriate manner about the opportunities of the child to participate in the
39 activities;

40 (3) if the child is 14 years of age or older, document the efforts made
41 by the secretary to help the child prepare for the transition from custody to
42 a successful adulthood. The secretary shall report to the court the programs
43 and services that are being provided to the child ~~which~~ that will help the

1 child prepare for the transition from custody to a successful adulthood.

2 (d) The requirements of this subsection shall apply only if the
3 permanency goal in place at the time of the hearing is another planned
4 permanent *living* arrangement as described in subsection (b)(4). At each
5 permanency hearing held with respect to the child, in addition to the
6 requirements of subsection (c), the court shall:

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

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

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

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

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

38 (2) *the specific treatment or service needs that will be met for the*
39 *child in the placement and the length of time the child is expected to need*
40 *the treatment or services; and*

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

1 (f) A permanency hearing shall be held within 12 months of the date
2 the court authorized the child's removal from the home and not less
3 frequently than every 12 months thereafter. *If the court makes a finding*
4 *that the requirements of subsection (c)(1) or (2) have not been met, a*
5 *subsequent permanency hearing shall be held no later than 60 days*
6 *following the finding.*

7 ~~(f)~~(g) 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 no later than 30 days
10 following that determination.

11 ~~(g)~~(h) 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.

21 ~~(h)~~(i) 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 interest. If reintegration is not a
28 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 ~~(i)~~(j) 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 has
38 been accomplished. If the court determines that reasonable efforts or
39 progress have not been made toward finding an adoptive placement or
40 appointment of a permanent custodian or placement with a fit and willing
41 relative, the court may rescind its prior orders and make others regarding
42 custody and adoption that are appropriate under the circumstances.
43 Reports of a proposed adoptive placement need not contain the identity of

1 the proposed adoptive parents.

2 ~~(j)~~(k) If permanency with one parent has been achieved without the
3 termination of the other parent's rights, the court may, prior to dismissing
4 the case, enter child custody orders, including residency and parenting
5 time that the court determines to be in the best interests of the child. The
6 court shall complete a parenting plan pursuant to K.S.A. 2018 Supp. 23-
7 3213, and amendments thereto.

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

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

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

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

32 (5) Nothing in this subsection shall operate to expand access to
33 information that is confidential under K.S.A. 2018 Supp. 38-2209, and
34 amendments thereto, and the confidentiality of such information shall be
35 preserved in all filings in a civil custody case.

36 ~~(k)~~(l) When permanency has been achieved to the satisfaction of the
37 court, the court shall enter an order closing the case.

38 Sec. 6. K.S.A. 2017 Supp. 38-2202, as amended by section 9 of
39 chapter 107 of the 2018 Session Laws of Kansas, and K.S.A. 2018 Supp.
40 23-2210, 38-2202, 38-2234 and 38-2264 are hereby repealed.

41 Sec. 7. This act shall take effect and be in force from and after its
42 publication in the ~~statute book~~ {*Kansas register*}.