

HOUSE BILL No. 2536

By Committee on Child Welfare and Foster Care

Requested by Rachel Marsh, Children's Alliance of Kansas

1-18

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; establishing SOUL family legal permanency
3 as a permanency option for children in need of care who are 16 years of
4 age or older; allowing courts to establish SOUL family legal
5 permanency; defining SOUL family legal permanency; reconciling
6 definition of behavioral health crisis in the revised Kansas code for care
7 of children; amending K.S.A. 38-2234, 38-2263, 38-2264, 38-2266 and
8 38-2268 and K.S.A. 2023 Supp. 38-2202, 38-2203 and 38-2255 and
9 repealing the existing sections; also repealing K.S.A. 2023 Supp. 38-
10 2202a.

11

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

13 New Section 1. (a) SOUL family legal permanency may be appointed
14 with:

15 (1) Agreement and approval of a child 16 years of age or older;

16 (2) agreement and consent of the child's parent unless there has been
17 a finding of unfitness or termination of parental rights and parental consent
18 is no longer required; and

19 (3) approval of the court set forth in a court order.

20 (b) The court may order SOUL family legal permanency:

21 (1) After a finding of unfitness pursuant to K.S.A. 38-2269, and
22 amendments thereto;

23 (2) after termination of parental rights pursuant to K.S.A. 38-2270,
24 and amendments thereto; or

25 (3) when determined by the court to be in the best interests of a child
26 16 years of age or older and the requirements of subsection (a) are met.

27 (c) Prior to submitting SOUL family legal permanency for
28 appointment by the court, the secretary for children and families shall:

29 (1) Observe the child in the home of the potential SOUL family legal
30 permanency custodian with whom the child will reside and determine the
31 ability and suitability of the potential custodian to care for the child;

32 (2) determine whether the names of any potential SOUL family legal
33 permanency custodians appear on the Kansas department for children and
34 families child abuse and neglect registry and whether any potential
35 custodians have been convicted of crimes specified in K.S.A. 59-2132(e),

1 and amendments thereto;

2 (3) consider, to the extent the secretary determines the appointment to
3 be in the best interests of the child, appointing a relative or an individual
4 with whom the child has close emotional ties; and

5 (4) submit a report to the court containing determinations required by
6 this subsection.

7 (d) Prior to ordering SOUL family legal permanency, the court shall
8 review and consider:

9 (1) The report submitted by the secretary pursuant to subsection (c);
10 and

11 (2) information provided by the secretary related to benefits,
12 including, but not limited to, financial support, medical coverage and
13 educational support, if SOUL family legal permanency is established by
14 the court.

15 (e) The court shall ensure the child has access to the maximum
16 allowable benefits available under other permanency options pursuant to
17 K.S.A. 38-2264, and amendments thereto.

18 (f) When appointing SOUL family legal permanency, the court shall
19 consider, to the extent the court finds it is in the child's best interest,
20 appointing a relative or an individual with whom the child has close
21 emotional ties. If the court appoints more than one individual as a SOUL
22 family legal permanency custodian, the child and the individual may be
23 unrelated.

24 (g) Upon the establishment of SOUL family legal permanency, the
25 secretary's custody of the child shall cease. The court's jurisdiction over
26 the child shall continue unless the court enters an order terminating
27 jurisdiction pursuant to K.S.A. 38-2203, and amendments thereto, and this
28 section.

29 (h) If there is more than one SOUL family legal permanency
30 custodian, one individual shall be designated as primary custodian by the
31 court with the approval of the child and the individual to serve in such
32 role. If a dispute arises between the child and the SOUL family legal
33 permanency custodian or between custodians, the primary custodian shall
34 consider information provided by the child and other SOUL family legal
35 permanency custodians for possible resolution of a dispute. If a dispute
36 remains unresolved prior to the child reaching 18 years of age, or June 1 of
37 the school year during which the child became 18 years of age if the child
38 is still attending high school, subsequent to the filing of a motion by the
39 child or SOUL family legal permanency custodian, the court may consider
40 such motion and may order alternative dispute resolution. If the court has
41 previously terminated jurisdiction pursuant to K.S.A. 38-2203, and
42 amendments thereto, or this section, the court may reinstate the child's case
43 to consider such motion.

1 (i) Subject to subsection (j), a SOUL family legal permanency
2 custodian shall stand in loco parentis to the child and exercise all of the
3 rights and responsibilities of a parent, except that such custodian shall not:

4 (1) Consent to an adoption of the child; or

5 (2) be subject to court-ordered child support or medical support for
6 the child.

7 (j) The court, upon motion of parties or interested parties or its own
8 motion, may impose limitations or conditions upon the rights and
9 responsibilities of the SOUL family legal permanency as determined by
10 the court to be in the best interests of the child.

11 (k) Absent a judicial finding of unfitness or court-ordered limitations
12 pursuant to subsection (i), a SOUL family legal permanency custodian
13 may share parental responsibilities with a parent of the child if the SOUL
14 family legal permanency custodian determines sharing of parental
15 responsibilities is in the best interests of the child. Sharing parental
16 responsibilities does not relieve the SOUL family legal permanency
17 custodian of legal responsibility.

18 (l) When parental consent is required for the appointment of SOUL
19 family legal permanency, the consent shall be in writing and shall be
20 acknowledged before a judge of a court of record or before an officer
21 authorized by law to take acknowledgments. If the consent is
22 acknowledged before a judge of a court of record, it shall be the duty of
23 the court before that consent is acknowledged to advise the consenting
24 parent of the consequences of the consent, including the following:

25 (1) Do you understand that your parental rights are not being
26 terminated by the order establishing SOUL family legal permanency and
27 you can be ordered to pay child support and medical support for your
28 child?

29 (2) Do you understand that to exercise the rights you still have with
30 your child, you must keep the court up to date about how to contact you?
31 This means that the court needs to always have your current address and
32 telephone number.

33 (3) Do you understand that if you want information about your child's
34 health or education, you will have to keep the information you give the
35 court about where you are up to date because the information about your
36 child will be sent to the last known address the court has?

37 (4) Do you understand that you may be able to have some contact
38 with your child, but only if the SOUL family legal permanency custodian
39 decides it is in the best interests of the child and if the court allows the
40 contact?

41 (5) Do you understand that unless the court orders differently, the
42 SOUL family legal permanency custodian has the right to make decisions
43 about day-to-day care of your child?

1 (m) A parental consent is final when executed, unless the parent
2 whose consent is at issue, prior to issuance of the order appointing a SOUL
3 family legal permanency custodian, proves by clear and convincing
4 evidence that the consent was not freely and voluntarily given. The burden
5 of proving the consent was not freely and voluntarily given shall rest with
6 that parent.

7 (n) If a parent has consented to appointment of a SOUL family legal
8 permanency based upon a belief that the child's other parent would so
9 consent or be found unfit, and such other parent does not consent, the
10 consent shall be null and void.

11 (o) If a SOUL family legal permanency custodian is ordered after a
12 judicial finding of parental unfitness without a termination of parental
13 rights, all parental rights transfer to the SOUL family legal permanency,
14 except for:

- 15 (1) The obligation to pay child support and medical support;
- 16 (2) the right to inherit from the child; and
- 17 (3) the right to consent to adoption of the child.

18 (p) If SOUL family legal permanency is ordered after termination of
19 parental rights, the parent retains no rights or responsibilities to the child
20 pursuant to the termination by the court.

21 (q) The court may recognize other individuals in addition to the
22 individuals appointed by the court as the child's SOUL family legal
23 permanency custodian, who shall testify to the court, with request and
24 approval by the child, that they will provide support as requested by and
25 agreed upon with the child and the SOUL family legal permanency
26 custodian. Such other individuals shall have no legal obligations or rights
27 related to the child pursuant to the court's recognition as set out in this
28 subsection.

29 (r) All SOUL family legal permanency custodians acting in such
30 capacity shall execute sworn documents related to the appointment
31 confirming the custodian's willingness to serve as a SOUL family legal
32 permanency custodian and an order of the court. Such documents shall be
33 filed with the court.

34 (s) If SOUL family legal permanency custodians are married to each
35 other and, subsequent to the SOUL family legal permanency appointment,
36 are divorced, the marriage is annulled or the court orders separate
37 maintenance, the court shall make custody determinations between the
38 SOUL family legal permanency custodians.

39 (t) A SOUL family legal permanency custodian shall consider
40 whether the custodian will provide any rights of inheritance to the child
41 and medical power of attorney for the child for whom they were appointed
42 a SOUL family legal permanency custodian and separately execute such
43 agreements.

1 Sec. 2. K.S.A. 2023 Supp. 38-2202 is hereby amended to read as
2 follows: 38-2202. As used in the revised Kansas code for care of children,
3 unless the context otherwise indicates:

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

7 (b) "Adult correction facility" means any public or private facility,
8 secure or nonsecure, that is used for the lawful custody of accused or
9 convicted adult criminal offenders.

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

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

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

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

20 (3) has been physically, mentally or emotionally abused or neglected
21 or sexually abused;

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

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

24 (6) is not attending school as required by K.S.A. 72-3421 or 72-3120,
25 and amendments thereto;

26 (7) except in the case of a violation of K.S.A. 41-727, 74-8810(j), 79-
27 3321(m) or (n), or K.S.A. 21-6301(a)(14), and amendments thereto, or,
28 except as provided in paragraph (12), does an act which, when committed
29 by a person under 18 years of age, is prohibited by state law, city
30 ordinance or county resolution, but which is not prohibited when done by
31 an adult;

32 (8) while less than 10 years of age, commits any act that if done by an
33 adult would constitute the commission of a felony or misdemeanor as
34 defined by K.S.A. 21-5102, and amendments thereto;

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

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

42 (11) has been residing in the same residence with a sibling or another
43 person under 18 years of age, who has been physically, mentally or

1 emotionally abused or neglected, or sexually abused;

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

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

6 (14) has been subjected to an act that would constitute human
7 trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,
8 and amendments thereto, or commercial sexual exploitation of a child, as
9 defined by K.S.A. 21-6422, and amendments thereto, or has committed an
10 act which, if committed by an adult, would constitute selling sexual
11 relations, as defined by K.S.A. 21-6419, and amendments thereto.

12 (e) "Child abuse medical resource center" means a medical institution
13 affiliated with an accredited children's hospital or a recognized institution
14 of higher education that has an accredited medical school program with
15 board-certified child abuse pediatricians who provide training, support,
16 mentoring and peer review to CARE providers on CARE exams.

17 (f) "Child abuse review and evaluation exam" or "CARE exam"
18 means a forensic medical evaluation of a child alleged to be a victim of
19 abuse or neglect conducted by a CARE provider.

20 (g) "Child abuse review and evaluation network" or "CARE network"
21 means a network of CARE providers, child abuse medical resource centers
22 and any medical provider associated with a child advocacy center that has
23 the ability to conduct a CARE exam that collaborate to improve services
24 provided to a child alleged to be a victim of abuse or neglect.

25 (h) "Child abuse review and evaluation provider" or "CARE
26 provider" means a person licensed to practice medicine and surgery,
27 advanced practice registered nurse or licensed physician assistant who
28 performs CARE exams of and provides medical diagnosis and treatment to
29 a child alleged to be a victim of abuse or neglect and who receives:

30 (1) Kansas-based initial intensive training regarding child
31 maltreatment from the CARE network;

32 (2) continuous trainings on child maltreatment from the CARE
33 network; and

34 (3) peer review and new provider mentoring regarding medical
35 evaluations from a child abuse medical resource center.

36 (i) "Child abuse review and evaluation referral" or "CARE referral"
37 means a brief written review of allegations of physical abuse, emotional
38 abuse, medical neglect or physical neglect submitted by the secretary or
39 law enforcement agency to a child abuse medical resource center for a
40 recommendation of such child's need for medical care that may include a
41 CARE exam.

42 (j) "Citizen review board" is a group of community volunteers
43 appointed by the court and whose duties are prescribed by K.S.A. 38-2207

1 and 38-2208, and amendments thereto.

2 (k) "Civil custody case" includes any case filed under chapter 23 of
3 the Kansas Statutes Annotated, and amendments thereto, the Kansas
4 family law code, article 11 of chapter 38 of the Kansas Statutes Annotated,
5 and amendments thereto, determination of parentage, article 21 of chapter
6 59 of the Kansas Statutes Annotated, and amendments thereto, adoption
7 and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes
8 Annotated, and amendments thereto, guardians and conservators.

9 (l) "Court-appointed special advocate" means a responsible adult
10 other than an attorney guardian ad litem who is appointed by the court to
11 represent the best interests of a child, as provided in K.S.A. 38-2206, and
12 amendments thereto, in a proceeding pursuant to this code.

13 (m) "Custody" whether temporary, protective or legal, means the
14 status created by court order or statute that vests in a custodian, whether an
15 individual or an agency, the right to physical possession of the child and
16 the right to determine placement of the child, subject to restrictions placed
17 by the court.

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

22 (o) "Educational institution" means all schools at the elementary and
23 secondary levels.

24 (p) "Educator" means any administrator, teacher or other professional
25 or paraprofessional employee of an educational institution who has
26 exposure to a pupil specified in K.S.A. 72-6143(a), and amendments
27 thereto.

28 (q) "Harm" means physical or psychological injury or damage.

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

34 (s) "Jail" means:

35 (1) An adult jail or lockup; or

36 (2) a facility in the same building or on the same grounds as an adult
37 jail or lockup, unless the facility meets all applicable standards and
38 licensure requirements under law and there is: (A) Total separation of the
39 juvenile and adult facility spatial areas such that there could be no
40 haphazard or accidental contact between juvenile and adult residents in the
41 respective facilities; (B) total separation in all juvenile and adult program
42 activities within the facilities, including recreation, education, counseling,
43 health care, dining, sleeping and general living activities; and (C) separate

1 juvenile and adult staff, including management, security staff and direct
2 care staff such as recreational, educational and counseling.

3 (t) "Juvenile detention facility" means any secure public or private
4 facility used for the lawful custody of accused or adjudicated juvenile
5 offenders that must not be a jail.

6 (u) "Juvenile intake and assessment worker" means a responsible
7 adult authorized to perform intake and assessment services as part of the
8 intake and assessment system established pursuant to K.S.A. 75-7023, and
9 amendments thereto.

10 (v) "Kinship care placement" means the placement of a child in the
11 home of an adult with whom the child or the child's parent already has
12 close emotional ties.

13 (w) "Kinship caregiver" means an adult who the secretary has
14 selected for placement for a child in need of care with whom the child or
15 the child's parent already has close emotional ties.

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

20 (y) "Multidisciplinary team" means a group of persons, appointed by
21 the court under K.S.A. 38-2228, and amendments thereto, that has
22 knowledge of the circumstances of a child in need of care.

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

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

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

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

43 (aa) "Parent" when used in relation to a child or children, includes a

1 guardian and every person who is by law liable to maintain, care for or
2 support the child.

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

6 (cc) "Permanency goal" means the outcome of the permanency
7 planning process, which may be reintegration, adoption, appointment of a
8 permanent custodian, *establishment of SOUL family legal permanency* or
9 another planned permanent living arrangement.

10 (dd) "Permanent custodian" means a judicially approved permanent
11 guardian of a child pursuant to K.S.A. 38-2272, and amendments thereto.

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

17 (ff) "Placement" means the designation by the individual or agency
18 having custody of where and with whom the child will live.

19 (gg) "Qualified residential treatment program" means a program
20 designated by the secretary for children and families as a qualified
21 residential treatment program pursuant to federal law.

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

29 (ii) "Relative" means a person related by blood, marriage or adoption.

30 (jj) "Runaway" means a child who is willfully and voluntarily absent
31 from the child's home without the consent of the child's parent or other
32 custodian.

33 (kk) "Secretary" means the secretary for children and families or the
34 secretary's designee.

35 (ll) "Secure facility" means a facility, other than a staff secure facility
36 or juvenile detention facility, that is operated or structured so as to ensure
37 that all entrances and exits from the facility are under the exclusive control
38 of the staff of the facility, whether or not the person being detained has
39 freedom of movement within the perimeters of the facility, or that relies on
40 locked rooms and buildings, fences or physical restraint in order to control
41 behavior of its residents. No secure facility shall be in a city or county jail.

42 (mm) "Sexual abuse" means any contact or interaction with a child in
43 which the child is being used for the sexual stimulation of the perpetrator,

1 the child or another person. Sexual abuse shall include, but is not limited to,
2 allowing, permitting or encouraging a child to:

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

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

10 (nn) "Shelter facility" means any public or private facility or home,
11 other than a juvenile detention facility or staff secure facility, that may be
12 used in accordance with this code for the purpose of providing either
13 temporary placement for children in need of care prior to the issuance of a
14 dispositional order or longer term care under a dispositional order.

15 (oo) *"Support, opportunity, unity, legal relationships family legal*
16 *permanency" or "SOUL family legal permanency" means the appointment*
17 *of one or more adults, approved by a child who is 16 years of age or older*
18 *and the subject of a child in need of care proceeding, pursuant to section*
19 *1, and amendments thereto.*

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

40 (ss) *"Behavioral health crisis" means behavioral and conduct issues*
41 *that impact the safety or health of a child, members of the child's*
42 *household or family or members of the community, including, but not*
43 *limited to, non-life threatening mental health and substance abuse*

1 *concerns.*

2 Sec. 3. K.S.A. 2023 Supp. 38-2203 is hereby amended to read as
 3 follows: 38-2203. (a) Proceedings concerning any child who may be a
 4 child in need of care shall be governed by this code, except in those
 5 instances when the court knows or has reason to know that an Indian child
 6 is involved in the proceeding, in which case, the Indian child welfare act of
 7 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may
 8 apply to: The filing to initiate a child in need of care proceeding, K.S.A.
 9 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 38-
 10 2242, and amendments thereto; temporary custody hearing, K.S.A. 38-
 11 2243, and amendments thereto; adjudication, K.S.A. 38-2247, and
 12 amendments thereto; burden of proof, K.S.A. 38-2250, and amendments
 13 thereto; disposition, K.S.A. 38-2255, and amendments thereto;
 14 permanency hearings, K.S.A. 38-2264, and amendments thereto;
 15 termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and
 16 amendments thereto; establishment of permanent custodianship, K.S.A.
 17 38-2268 and 38-2272, and amendments thereto; *establishment of SOUL*
 18 *family legal permanency, section 1, and amendments thereto*; the newborn
 19 infant protection act, K.S.A. 38-2282, and amendments thereto; the
 20 Representative Gail Finney memorial foster care bill of rights, K.S.A.
 21 2023 Supp. 38-2201a, and amendments thereto; the placement of a child in
 22 any foster, pre-adoptive and adoptive home and the placement of a child in
 23 a guardianship arrangement under article 30 of chapter 59 of the Kansas
 24 Statutes Annotated, and amendments thereto.

25 (b) Subject to the uniform child custody jurisdiction and enforcement
 26 act, K.S.A. 23-37,101 through 23-37,405, and amendments thereto, the
 27 district court shall have original jurisdiction of proceedings pursuant to
 28 this code.

29 (c) The court acquires jurisdiction over a child by the filing of a
 30 petition pursuant to this code or upon issuance of an ex parte order
 31 pursuant to K.S.A. 38-2242, and amendments thereto. When the court
 32 acquires jurisdiction over a child in need of care, jurisdiction may continue
 33 until the child has:

34 (1) Become 18 years of age, or until June 1 of the school year during
 35 which the child became 18 years of age if the child is still attending high
 36 school unless there is no court approved transition plan, in which event
 37 jurisdiction may continue until a transition plan is approved by the court or
 38 until the child reaches the age of 21;

39 (2) been adopted;~~or~~

40 (3) *SOUL family legal permanency has been ordered by the court*
 41 *pursuant to section 1, and amendments thereto, and such jurisdiction may*
 42 *continue until the child has reached 18 years of age, or until June 1 of the*
 43 *school year during which the child reached 18 years of age if the child is*

1 *still attending high school; or*

2 (4) been discharged by the court.

3 (d) Any child 18 years of age or over may request, in writing to the
4 court, that the jurisdiction of the court cease. The court shall give notice of
5 the request to all parties and interested parties and 30 days after receipt of
6 the request, jurisdiction will cease.

7 ~~(d)~~(e) When it is no longer appropriate for the court to exercise
8 jurisdiction over a child, the court, upon its own motion or the motion of a
9 party or interested party at a hearing or upon agreement of all parties or
10 interested parties, shall enter an order discharging the child. Except upon
11 request of the child pursuant to subsection ~~(e)~~(d), the court shall not enter
12 an order discharging a child until June 1 of the school year during which
13 the child becomes 18 years of age if the child is in an out-of-home
14 placement, is still attending high school and has not completed the child's
15 high school education.

16 ~~(e)~~(f) When a petition is filed under this code, a person who is alleged
17 to be under 18 years of age shall be presumed to be under that age for the
18 purposes of this code, unless the contrary is proved.

19 ~~(f)~~(g) A court's order issued in a proceeding pursuant to this code,
20 shall take precedence over such orders in a civil custody case, a
21 proceeding under article 31 of chapter 60 of the Kansas Statutes
22 Annotated, and amendments thereto, protection from abuse act, or a
23 comparable case in another jurisdiction, except as provided by K.S.A. 23-
24 37,101 through 23-37,405, and amendments thereto, uniform child custody
25 jurisdiction and enforcement act.

26 Sec. 4. K.S.A. 38-2234 is hereby amended to read as follows: 38-
27 2234. (a) *Filing and contents of petition.* (1) A petition filed to commence
28 an action pursuant to this code shall be filed with the clerk of the district
29 court and shall state, if known:

30 (A) The name, date of birth and residence address of the child;

31 (B) the name and residence address of the child's parents;

32 (C) the name and address of the child's nearest known relative if no
33 parent can be found;

34 (D) the name and residence address of any persons having custody or
35 control of the child; and

36 (E) plainly and concisely in the language of the statutory definition,
37 the basis for the petition.

38 (2) The petition shall also state the specific facts that are relied upon
39 to support the allegation referred to in the preceding paragraph including
40 any known dates, times and locations.

41 (3) The proceedings shall be entitled: "In the Interest of
42 _____."

43 (4) The petition shall contain a request that the court find the child to

1 be a child in need of care.

2 (5) The petition shall contain a request that the parent or parents be
3 ordered to pay child support. The request for child support may be omitted
4 with respect to a parent already ordered to pay child support for the child
5 and shall be omitted with respect to one or both parents upon written
6 request of the secretary.

7 (6) If the petition requests custody of the child to the secretary or a
8 person other than the child's parent, the petition shall specify the efforts
9 known to the petitioner to have been made to maintain the family and
10 prevent the transfer of custody, or it shall specify the facts demonstrating
11 that an emergency exists which threatens the safety to the child.

12 (7) If the petition requests removal of the child from the child's home,
13 in addition to the information required by K.S.A. 38-2234-(a)(6), and
14 amendments thereto, the petition shall specify the facts demonstrating that
15 allowing the child to remain in the home would be contrary to the welfare
16 of the child or that placement is in the best interests of the child and the
17 child is likely to sustain harm if not removed from the home.

18 (8) The petition shall have an attached copy of the prevention plan, if
19 any, that has been prepared for the child.

20 (9) The petition shall contain the following statement: "If you do not
21 appear in court the court will be making decisions without your input
22 which could result in:

23 (A) The permanent or temporary removal of the child from the
24 custody of the parent or present legal guardian;

25 (B) an order requiring one or both parents to pay child support until
26 the permanent termination of one or both of the parents' parental rights;

27 (C) the permanent termination of one or both of the parents' parental
28 rights; ~~and~~

29 (D) *the appointment of a SOUL family legal permanency custodian*
30 *for the child; and*

31 (E) the appointment of a permanent custodian for the child.

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

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

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

42 Sec. 5. K.S.A. 2023 Supp. 38-2255 is hereby amended to read as
43 follows: 38-2255. (a) *Considerations.* Prior to entering an order of

1 disposition, the court shall give consideration to:

2 (1) The child's physical, mental and emotional condition;

3 (2) the child's need for assistance;

4 (3) the manner in which the parent participated in the abuse, neglect
5 or abandonment of the child;

6 (4) any relevant information from the intake and assessment process;
7 and

8 (5) the evidence received at the dispositional hearing.

9 (b) *Custody with a parent.* The court may place the child in the
10 custody of either of the child's parents subject to terms and conditions
11 which the court prescribes to assure the proper care and protection of the
12 child, including, but not limited to:

13 (1) Supervision of the child and the parent by a court services officer;

14 (2) participation by the child and the parent in available programs
15 operated by an appropriate individual or agency; and

16 (3) any special treatment or care which the child needs for the child's
17 physical, mental or emotional health and safety.

18 (c) *Removal of a child from custody of a parent.* The court shall not
19 enter the initial order removing a child from the custody of a parent
20 pursuant to this section unless the court first finds probable cause that:

21 (1) (A) The child is likely to sustain harm if not immediately removed
22 from the home;

23 (B) allowing the child to remain in home is contrary to the welfare of
24 the child; or

25 (C) immediate placement of the child is in the best interest of the
26 child; and

27 (2) reasonable efforts have been made to maintain the family unit and
28 prevent the unnecessary removal of the child from the child's home or that
29 an emergency exists ~~which~~ that threatens the safety to the child.

30 The court shall not enter an order removing a child from the custody of
31 a parent pursuant to this section based solely on the finding that the parent
32 is homeless.

33 (d) *Custody of a child removed from the custody of a parent.* If the
34 court has made the findings required by subsection (c), the court shall
35 enter an order awarding custody to: A relative of the child or to a person
36 with whom the child has close emotional ties who shall not be required to
37 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,
38 and amendments thereto; any other suitable person; a shelter facility; a
39 youth residential facility; a staff secure facility, notwithstanding any other
40 provision of law, if the child has been subjected to human trafficking or
41 aggravated human trafficking, as defined by K.S.A. 21-5426, and
42 amendments thereto, or commercial sexual exploitation of a child, as
43 defined by K.S.A. 21-6422, and amendments thereto, or the child

1 committed an act which, if committed by an adult, would constitute a
2 violation of K.S.A. 21-6419, and amendments thereto; or, if the child is 15
3 years of age or younger, or 16 or 17 years of age if the child has no
4 identifiable parental or family resources or shows signs of physical,
5 mental, emotional or sexual abuse, to the secretary. Custody awarded
6 under this subsection shall continue until further order of the court.

7 (1) When custody is awarded to the secretary, the secretary shall
8 consider any placement recommendation by the court and notify the court
9 of the placement or proposed placement of the child within 10 days of the
10 order awarding custody. After providing the parties or interested parties
11 notice and opportunity to be heard, the court may determine whether the
12 secretary's placement or proposed placement is contrary to the welfare or
13 in the best interests of the child. In making that determination the court
14 shall consider the health and safety needs of the child and the resources
15 available to meet the needs of children in the custody of the secretary. If
16 the court determines that the placement or proposed placement is contrary
17 to the welfare or not in the best interests of the child, the court shall notify
18 the secretary, who shall then make an alternative placement.

19 (2) The custodian designated under this subsection shall notify the
20 court in writing at least 10 days prior to any planned placement with a
21 parent. The written notice shall state the basis for the custodian's belief that
22 placement with a parent is no longer contrary to the welfare or best interest
23 of the child. Upon reviewing the notice, the court may allow the custodian
24 to proceed with the planned placement or may set the date for a hearing to
25 determine if the child shall be allowed to return home. If the court sets a
26 hearing on the matter, the custodian shall not return the child home without
27 written consent of the court.

28 (3) The court may grant any person reasonable rights to visit the child
29 upon motion of the person and a finding that the visitation rights would be
30 in the best interests of the child.

31 (4) The court may enter an order restraining any alleged perpetrator
32 of physical, mental or emotional abuse or sexual abuse of the child from:
33 Residing in the child's home; visiting, contacting, harassing or intimidating
34 the child, other family member or witness; or attempting to visit, contact,
35 harass or intimidate the child, other family member or witness. Such
36 restraining order shall be served by personal service pursuant to K.S.A.
37 38-2237(a), and amendments thereto, on any alleged perpetrator to whom
38 the order is directed.

39 (5) The court shall provide a copy of any orders entered within 10
40 days of entering the order to the custodian designated under this
41 subsection.

42 (e) *Further determinations regarding a child removed from the home.*
43 If custody has been awarded under subsection (d) to a person other than a

1 parent, a permanency plan shall be provided or prepared pursuant to
2 K.S.A. 38-2264, and amendments thereto. If a permanency plan is
3 provided at the dispositional hearing, the court may determine whether
4 reintegration is a viable alternative or, if reintegration is not a viable
5 alternative, whether the child should be placed for adoption ~~or~~, a
6 permanent custodian appointed *or a SOUL family legal permanency*
7 *custodian appointed*. In determining whether reintegration is a viable
8 alternative, the court shall consider:

9 (1) Whether a parent has been found by a court to have committed
10 one of the following crimes or to have violated the law of another state
11 prohibiting such crimes or to have aided and abetted, attempted, conspired
12 or solicited the commission of one of these crimes: (A) Murder in the first
13 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 21-5402, and
14 amendments thereto; (B) murder in the second degree, K.S.A. 21-3402,
15 prior to its repeal, or K.S.A. 21-5403, and amendments thereto; (C) capital
16 murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 21-5401, and
17 amendments thereto; (D) voluntary manslaughter, K.S.A. 21-3403, prior to
18 its repeal, or K.S.A. 21-5404, and amendments thereto; or (E) a felony
19 battery that resulted in bodily injury;

20 (2) whether a parent has subjected the child or another child to
21 aggravated circumstances;

22 (3) whether a parent has previously been found to be an unfit parent
23 in proceedings under this code or in comparable proceedings under the
24 laws of another state or the federal government;

25 (4) whether the child has been in the custody of the secretary and
26 placed with neither parent for 15 of the most recent 22 months beginning
27 60 days after the date on which a child in the secretary's custody was
28 removed from the child's home;

29 (5) whether the parents have failed to work diligently toward
30 reintegration;

31 (6) whether the secretary has provided the family with services
32 necessary for the safe return of the child to the home; and

33 (7) whether it is reasonable to expect reintegration to occur within a
34 time frame consistent with the child's developmental needs.

35 (f) *Proceedings if reintegration is not a viable alternative*. If the court
36 determines that reintegration is not a viable alternative, proceedings to
37 terminate parental rights and permit placement of the child for adoption or
38 appointment of a permanent custodian *or a SOUL family legal*
39 *permanency custodian* shall be initiated unless the court finds that
40 compelling reasons have been documented in the case plan why adoption
41 or appointment of a permanent custodian *or a SOUL family legal*
42 *permanency custodian* would not be in the best interests of the child. If
43 compelling reasons have not been documented, the county or district

1 attorney shall file a motion within 30 days to terminate parental rights or a
2 motion to appoint a permanent custodian *or SOUL family legal*
3 *permanency custodian pursuant to section 1, and amendments thereto,*
4 within 30 days and the court shall hold a hearing on the motion within 90
5 days of its filing. No hearing is required when the parents voluntarily
6 relinquish parental rights or consent to the appointment of a permanent
7 custodian *or a SOUL family legal permanency custodian.*

8 (g) *Additional orders.* In addition to or in lieu of any other order
9 authorized by this section:

10 (1) The court may order the child and the parents of any child who
11 has been adjudicated a child in need of care to attend counseling sessions
12 as the court directs. The expense of the counseling may be assessed as an
13 expense in the case. No mental health provider shall charge a greater fee
14 for court-ordered counseling than the provider would have charged to the
15 person receiving counseling if the person had requested counseling on the
16 person's own initiative.

17 (2) If the court has reason to believe that a child is before the court
18 due, in whole or in part, to the use or misuse of alcohol or a violation of
19 K.S.A. 21-5701 through 21-5717, and amendments thereto, by the child, a
20 parent of the child, or another person responsible for the care of the child,
21 the court may order the child, parent of the child or other person
22 responsible for the care of the child to submit to and complete an alcohol
23 and drug evaluation by a qualified person or agency and comply with any
24 recommendations. If the evaluation is performed by a community-based
25 alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and
26 amendments thereto, the child, parent of the child or other person
27 responsible for the care of the child shall pay a fee not to exceed the fee
28 established by that statute. If the court finds that the child and those legally
29 liable for the child's support are indigent, the fee may be waived. In no
30 event shall the fee be assessed against the secretary.

31 (3) If child support has been requested and the parent or parents have
32 a duty to support the child, the court may order one or both parents to pay
33 child support and, when custody is awarded to the secretary, the court shall
34 order one or both parents to pay child support. The court shall determine,
35 for each parent separately, whether the parent is already subject to an order
36 to pay support for the child. If the parent is not presently ordered to pay
37 support for any child who is subject to the jurisdiction of the court and the
38 court has personal jurisdiction over the parent, the court shall order the
39 parent to pay child support in an amount determined under K.S.A. 38-
40 2277, and amendments thereto. Except for good cause shown, the court
41 shall issue an immediate income withholding order pursuant to K.S.A. 23-
42 3101 et seq., and amendments thereto, for each parent ordered to pay
43 support under this subsection, regardless of whether a payor has been

1 identified for the parent. A parent ordered to pay child support under this
2 subsection shall be notified, at the hearing or otherwise, that the child
3 support order may be registered pursuant to K.S.A. 38-2279, and
4 amendments thereto. The parent shall also be informed that, after
5 registration, the income withholding order may be served on the parent's
6 employer without further notice to the parent and the child support order
7 may be enforced by any method allowed by law. Failure to provide this
8 notice shall not affect the validity of the child support order.

9 (h) For the purposes of this section, "harassing or intimidating" and
10 "harass or intimidate" includes, but is not limited to, utilizing any
11 electronic tracking system or acquiring tracking information to determine
12 the targeted person's location, movement or travel patterns.

13 Sec. 6. K.S.A. 38-2263 is hereby amended to read as follows: 38-
14 2263. (a) The goal of permanency planning is to assure, in so far as is
15 possible, that children have permanency and stability in their living
16 situations and that the continuity of family relationships and connections is
17 preserved. In planning for permanency, the safety and well being of
18 children shall be paramount.

19 (b) Whenever a child is subject to the jurisdiction of the court
20 pursuant to the code, an initial permanency plan shall be developed for the
21 child and submitted to the court within 30 days of the initial order of the
22 court. If the child is in the custody of the secretary, or the secretary is
23 providing services to the child, the secretary shall prepare the plan.
24 Otherwise, the plan shall be prepared by the person who has custody or, if
25 directed by the court, by a court services officer.

26 (c) A permanency plan is a written document prepared in consultation
27 with the child, if the child is 14 years of age or older and the child is able,
28 and, where possible, in consultation with the child's parents, and ~~which~~
29 *that*:

30 (1) Describes the permanency goal ~~which~~ *that*, if achieved, will most
31 likely give the child a permanent and safe living arrangement;

32 (2) describes the child's level of physical health, mental and
33 emotional health, and educational functioning;

34 (3) provides an assessment of the needs of the child and family;

35 (4) describes the services to be provided the child, the child's parents
36 and the child's foster parents, if appropriate;

37 (5) includes a description of the tasks and responsibilities designed to
38 achieve the plan and to whom assigned; and

39 (6) includes measurable objectives and time schedules for achieving
40 the plan.

41 (d) In addition to the requirements of subsection (c), if the child is in
42 an out of home placement, the permanency plan shall include:

43 (1) A plan for reintegration of the child's parent or parents or if

1 reintegration is determined not to be a viable alternative, a statement for
 2 the basis of that conclusion and a plan for ~~another permanent living~~
 3 ~~arrangement~~ *permanency identified in K.S.A. 38-2264(b)(2) through (b)*
 4 *(5), and amendments thereto;*

5 (2) a description of the available placement alternatives;

6 (3) a justification for the placement selected, including a description
 7 of the safety and appropriateness of the placement; and

8 (4) a description of the programs and services which will help the
 9 child prepare to live independently as an adult.

10 (e) If there is a lack of agreement among persons necessary for the
 11 success of the permanency plan, the person or entity having custody of the
 12 child shall notify the court which shall set a hearing on the plan.

13 (f) A permanency plan may be amended at any time upon agreement
 14 of the plan participants. If a permanency plan requires amendment which
 15 changes the permanency goal, the person or entity having custody of the
 16 child shall notify the court which shall set a permanency hearing pursuant
 17 to K.S.A. 38-2264 and 38-2265, and amendments thereto.

18 Sec. 7. K.S.A. 38-2264 is hereby amended to read as follows: 38-
 19 2264. (a) A permanency hearing is a proceeding conducted by the court or
 20 by a citizen review board for the purpose of determining progress toward
 21 accomplishment of a permanency plan as established by K.S.A. 38-2263,
 22 and amendments thereto.

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

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

26 (2) placed for adoption;

27 (3) placed with a permanent custodian; ~~or~~

28 (4) *if the child is 16 years of age or older, placed with a SOUL family*
 29 *legal permanency custodian; or*

30 (5) if the child is 16 years of age or older and the secretary has
 31 documented compelling reasons why it would not be in the child's best
 32 interests for a placement in one of the placements pursuant to paragraphs
 33 (1), ~~(2)~~ ~~or~~ ~~(3)~~ *through (4)*, placed in another planned permanent living
 34 arrangement.

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

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

39 (2) enter a finding as to whether the reasonable and prudent parenting
 40 standard has been met and whether the child has regular, ongoing
 41 opportunities to engage in age or developmentally appropriate activities.
 42 The secretary shall report to the court the steps the secretary is taking to
 43 ensure that the child's foster family home or child care institution is

1 following the reasonable and prudent parenting standard and that the child
2 has regular, ongoing opportunities to engage in age or developmentally
3 appropriate activities, including consultation with the child in an age-
4 appropriate manner about the opportunities of the child to participate in the
5 activities; *and*

6 (3) if the child is 14 years of age or older, document the efforts made
7 by the secretary to help the child prepare for the transition from custody to
8 a successful adulthood. The secretary shall report to the court the programs
9 and services that are being provided to the child that will help the child
10 prepare for the transition from custody to a successful adulthood.

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

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

18 (2) document the intensive, ongoing and, as of the date of the hearing,
19 unsuccessful permanency efforts made by the secretary to return the child
20 home or secure a placement for the child with a fit and willing relative, a
21 legal *custodian or* guardian or an adoptive parent. The secretary shall
22 report to the court the intensive, ongoing and, as of the date of the hearing,
23 unsuccessful efforts made by the secretary to return the child home or
24 secure a placement for the child with a fit and willing relative, a legal
25 *custodian or* guardian or an adoptive parent, including efforts that utilize
26 search technology, including social media, to find biological family
27 members of the children; and

28 (3) make a judicial determination explaining why, as of the date of
29 the hearing, another planned permanent living arrangement is the best
30 permanency plan for the child and provide compelling reasons why it
31 continues to not be in the best interests of the child to return home, be
32 placed for adoption, be placed with a legal *custodian or* guardian or be
33 placed with a fit and willing relative.

34 (e) The requirements of this subsection shall apply only if the child is
35 placed in a qualified residential treatment program at the time of the
36 permanency hearing. At each permanency hearing held with respect to the
37 child, in addition to the requirements of subsection (c), the court shall
38 document:

39 (1) That the ongoing assessment of the strengths and needs of the
40 child continues to support the determination that the needs of the child
41 cannot be met through placement in a foster family home, that the
42 placement in a qualified residential treatment program provides the most
43 effective and appropriate level of care for the child in the least restrictive

1 environment, and that the placement is consistent with the short-term and
2 long-term goals for the child, as specified in the permanency plan for the
3 child;

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

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

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

16 (g) If the court determines at any time other than during a
17 permanency hearing that reintegration may not be a viable alternative for
18 the child, a permanency hearing shall be held ~~no~~ not later than 30 days
19 following that determination.

20 (h) When the court finds that reintegration continues to be a viable
21 alternative, the court shall determine whether and, if applicable, when the
22 child will be returned to the parent. The court may rescind any of its prior
23 dispositional orders and enter any dispositional order authorized by this
24 code or may order that a new plan for the reintegration be prepared and
25 submitted to the court. If reintegration cannot be accomplished as
26 approved by the court, the court shall be informed and shall schedule a
27 hearing pursuant to this section. No such hearing is required when the
28 parents voluntarily relinquish parental rights or consent to appointment of
29 a permanent custodian *or a SOUL family legal permanency custodian*.

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

43 (j) If the court enters an order terminating parental rights to a child, or

1 an agency has accepted a relinquishment pursuant to K.S.A. 59-2124, and
2 amendments thereto, the requirements for permanency hearings shall
3 continue until an adoption or appointment of a permanent custodian *or a*
4 *SOUL family legal permanency custodian* has been accomplished *and*
5 *court jurisdiction has been terminated*. If the court determines that
6 reasonable efforts or progress have not been made toward finding a
7 adoptive placement or appointment of a permanent custodian *or a SOUL*
8 *family legal permanency custodian* or placement with a fit and willing
9 relative, the court may rescind its prior orders and make others regarding
10 custody and adoption that are appropriate under the circumstances.
11 Reports of a proposed adoptive placement need not contain the identity of
12 the proposed adoptive parents.

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

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

23 (2) If a civil custody case has been filed or is pending, a certified
24 copy of the custody, residency and parenting time orders shall be filed in
25 the civil custody case. The court in the civil custody case may, after
26 consultation with the court in the child in need of care case, enter an order
27 declaring that the custody order in the child in need of care case shall
28 become the custody order in the civil custody case.

29 (3) A district court, on its own motion or upon the motion of any
30 party, may order the consolidation of the child in need of care case with
31 any open civil custody case involving the child and both of the child's
32 parents. Custody, residency and parenting time orders entered in
33 consolidated child in need of care and civil custody cases take precedence
34 over any previous orders affecting both parents and the child that were
35 entered in the civil custody case regarding the same or related issues.
36 Following entry of a custody order in a consolidated case, the court shall
37 dismiss the child in need of care case and, if necessary, return the civil
38 custody case to the original court having jurisdiction over ~~it~~ *the case*.

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

43 (5) Nothing in this subsection shall operate to expand access to

1 information that is confidential under K.S.A. 38-2209, and amendments
2 thereto, and the confidentiality of such information shall be preserved in
3 all filings in a civil custody case.

4 (l) When permanency has been achieved to the satisfaction of the
5 court, the court shall enter an order closing the case.

6 Sec. 8. K.S.A. 38-2266 is hereby amended to read as follows: 38-
7 2266. (a) Either in the original petition filed under this code or in a motion
8 made in an existing proceeding under this code, any party or interested
9 party may request that either or both parents be found unfit and the
10 parental rights of either or both parents be terminated or a permanent
11 custodian *or a SOUL family legal permanency custodian* be appointed.

12 (b) Whenever a pleading is filed requesting termination of parental
13 rights or appointment of a permanent custodian *or a SOUL family legal*
14 *permanency custodian*, the pleading shall contain a statement of specific
15 facts which are relied upon to support the request, including dates, times
16 and locations to the extent known.

17 (c) In any case in which a parent of a child cannot be located by the
18 exercise of due diligence, service by publication notice shall be ordered
19 upon the parent.

20 Sec. 9. K.S.A. 38-2268 is hereby amended to read as follows: 38-
21 2268. (a) Prior to a hearing to consider the termination of parental rights, if
22 the child's permanency plan is either adoption or appointment of a
23 *permanent custodian or a SOUL family legal permanency custodian*, with
24 the approval of the guardian ad litem and acceptance and approval of the
25 secretary, either or both parents may: Relinquish parental rights to the
26 child to the secretary; consent to an adoption; or consent to appointment of
27 a permanent custodian *or a SOUL family legal permanency custodian*.

28 (b) *Relinquishment of child to secretary.* (1) Any parent or parents
29 may relinquish a child to the secretary, and if the secretary accepts the
30 relinquishment in writing, the secretary shall stand in loco parentis to the
31 child and shall have and possess over the child all rights of a parent,
32 including the power to place the child for adoption and give consent
33 thereto.

34 (2) All relinquishments to the secretary shall be in writing, in
35 substantial conformity with the form for relinquishment contained in the
36 appendix of forms following K.S.A. 59-2143, and amendments thereto,
37 and shall be executed by either parent of the child.

38 (3) The relinquishment shall be in writing and shall be acknowledged
39 before a judge of a court of record or before an officer authorized by law
40 to take acknowledgments. If the relinquishment is acknowledged before a
41 judge of a court of record, it shall be the duty of the court to advise the
42 relinquishing parent of the consequences of the relinquishment.

43 (4) Except as otherwise provided, in all cases where a parent has

1 relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-
2 2143, and amendments thereto, all the rights of the parent shall be
3 terminated, including the right to receive notice in a subsequent adoption
4 proceeding involving the child. Upon such relinquishment, all the rights of
5 the parents to such child, including such parent's right to inherit from or
6 through such child, shall cease.

7 (5) If a parent has relinquished a child to the secretary based on a
8 belief that the child's other parent would relinquish the child to the
9 secretary or would be found unfit, and this does not occur, the rights of the
10 parent who has relinquished a child to the secretary shall not be
11 terminated.

12 (6) A parent's relinquishment of a child shall not terminate the right
13 of the child to inherit from or through the parent.

14 (c) *SOUL family legal permanency.* (1) *A parent may consent to*
15 *SOUL family legal permanency pursuant to section 1, and amendments*
16 *thereto. If the individual designated as the SOUL family legal permanency*
17 *custodian consents to the appointment and such individual is approved by*
18 *the court, such individual shall have and possesses over the child all the*
19 *rights and responsibilities of a permanent custodian subject to section 1,*
20 *and amendments thereto.*

21 (2) *Each consent to the appointment of a SOUL family legal*
22 *permanency custodian shall be in writing and executed by either parent or*
23 *legal guardian of the child.*

24 (d) *Permanent custody.* (1) A parent may consent to appointment of
25 an individual as permanent custodian and if the individual accepts the
26 consent, such individual shall stand in loco parentis to the child and shall
27 have and possess over the child all the rights of a legal guardian.

28 (2) All consents to appointment of a permanent custodian shall be in
29 writing and shall be executed by either parent of the child.

30 (3) The consent shall be in writing and shall be acknowledged before
31 a judge of a court of record or before an officer authorized by law to take
32 acknowledgments. If the consent is acknowledged before a judge of a
33 court of record, it shall be the duty of the court to advise the consenting
34 parent of the consequences of the consent.

35 (4) If a parent has consented to appointment of a permanent custodian
36 based upon a belief that the child's other parent would so consent or would
37 be found unfit, and this does not occur, the consent shall be null and void.

38 ~~(d)~~(e) *Adoption.* If the child is in the custody of the secretary and the
39 parental rights of both parents have been terminated or the parental rights
40 of one parent have been terminated or that parent has relinquished parental
41 rights to the secretary, the child may be adopted by persons approved by
42 the secretary and the court. If the child is no longer in the custody of the
43 secretary, the court may approve adoption of the child by persons who:

1 (1) Both parents consent to adopt; or

2 (2) one parent consents to adopt, if the parental rights of the other
3 parent have been terminated. The consent shall follow the form contained
4 in the appendix of forms following K.S.A. 59-2143, and amendments
5 thereto.

6 Sec. 10. K.S.A. 38-2234, 38-2263, 38-2264, 38-2266 and 38-2268
7 and K.S.A. 2023 Supp. 38-2202, 38-2202a, 38-2203 and 38-2255 are
8 hereby repealed.

9 Sec. 11. This act shall take effect and be in force from and after its
10 publication in the statute book.