Session of 2025

SENATE BILL No. 149

By Committee on Federal and State Affairs

2-3

AN ACT concerning children; relating to the revised Kansas code for care of children; adding a definition of haircare therein; requiring that a haircare plan is part of the case plan for a child in custody of the secretary for children and family services; requiring the secretary to offer training on culturally competent haircare to foster parents and kinship caregivers; amending K.S.A. 2024 Supp. 38-2201a and 38-2202 and repealing the existing sections.

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

New Section 1. (a) Upon designation as a placement for a child alleged or adjudicated to be in need of care, the secretary shall make training available within a timely manner of such designation to such foster parents or kinship caregivers on culturally competent haircare in order to meet the haircare needs of children in custody of the secretary.

(b) By July 1, 2026, the department shall develop training and resources to make available for foster parents and other caregivers to provide culturally competent haircare to youth in custody of the secretary.

(c) A child alleged or adjudicated to be in need of care shall have a haircare plan included as part of the child's case plan and when age and developmentally appropriate, such child shall have the right to provide input and participate in the development of such haircare plan, along with the child's parents, foster parents, kinship caregivers or case managers if not contrary to the child's wishes. A haircare plan shall address:

(A) Necessary haircare steps to be taken to preserve the child's desired connection to the child's gender, race, religion or culture;

(B) necessary steps to be taken specific to the child's haircare needs during emergency and health-related situations; and

(C) the desires of the child related to the child's haircare;

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

Sec. 2. K.S.A. 2024 Supp. 38-2201a is hereby amended to read as follows: 38-2201a. (a) This section shall be known and may be cited as the Representative Gail Finney memorial foster care bill of rights.

(b) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure proper care and protection of a child in need of care in the child welfare system, unless

otherwise ordered by the court, such child shall have the right to:

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

(A) Where such child lives in the least restrictive environment;

(B) where such child shall be treated with respect, have a place to store belongings and receive healthy food, adequate clothing and appropriate personal hygiene products;

(C) with siblings when possible; and

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

(2) have visits with family;

(3) have as few placements as possible;

(4) have and maintain belongings by:

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

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

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

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

(5) have access to all appropriate school supplies, services, tutoring, extra-curricular, cultural and personal enrichment activities;

(6) attend school daily in accordance with K.S.A. 38-2218, and amendments thereto;

(7) receive a high school diploma if such child has earned the standard credits in accordance with K.S.A. 38-2285, and amendments thereto;

(8) be notified of all hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(9) attend, in person or virtually, all court hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(10) address the court regarding any proposed placement or placement change in accordance with K.S.A. 38-2262, and amendments thereto, when age or developmentally appropriate;

(11) have a guardian ad litem represent the best interests of the child, in accordance with K.S.A. 38-2205, and amendments thereto, and contact such child regularly;

(12) request an attorney who will represent the position of the child, if different than the determinations of the guardian ad litem, in accordance with K.S.A. 38-2205, and amendments thereto;

(13) have privacy to send and receive unopened mail and make and receive phone calls;

(14) have regular and private contact with and access to case managers, attorneys and advocates;

(15) access accurate and necessary information for such child's well-being from case managers, guardians and any person who is by law liable to maintain, care for or support the child;

(16) *have a haircare plan included as part of the child's case plan in accordance with section 1, and amendments thereto; and*

(17) have as few changes in case managers as possible;

~~(17)~~*(18)* contact a case manager's supervisor if there is a conflict that cannot be resolved between such child and such child's case manager;

~~(18)~~*(19)* report a violation of this section without fear of punishment, interference, coercion or retaliation; and

~~(19)~~*(20)* when transitioning out of the child welfare system:

(A) Be an active participant in developing a transition plan, as defined in K.S.A. 38-2202, and amendments thereto;

(B) have services and benefits explained;

(C) have a checking or savings account;

(D) learn to manage money, when age or developmentally appropriate;

(E) learn job skills that are age or developmentally appropriate; and

(F) be involved in life skills training and activities.

(c) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure active participation of foster parents and kinship caregivers as an integral, indispensable and vital role in the state's efforts to care for children in the custody of the secretary, unless otherwise ordered by the court, such foster parents and kinship caregivers shall have the right to:

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

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

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

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

(5) receive standardized preservice training by the Kansas department

for children and families or the department's designee and at appropriate intervals to meet mutually assessed needs of the child, such foster parents and kinship caregivers;

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

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

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

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

(10) refuse placement of a child in such foster parents' and kinship caregivers' home or request the removal of a child from such foster parents' and kinship caregivers' home after providing reasonable notice;

(11) receive any available information through the Kansas department for children and families regarding the number of times a child has been placed and the reasons for such placements, and receive the names and phone numbers of any previous placements if such placements have authorized such a release by law;

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

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

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

(15) communicate with members of the child's professional team, including, but not limited to, such child's child welfare management provider, therapists, physicians and teachers as allowed by rules and

regulations and state and federal law, for the purpose of participating in such child's case plan;

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

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

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

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

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

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

(22) request a court hearing regarding a change of placement notice pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been placed with the same foster parents for six months or longer*; and*

(23) receive training necessary to meet the haircare needs of a child placed with the foster parents in accordance with section 1, and amendments thereto.

(d) (1) The secretary shall provide written and oral notification to foster youth, foster parents and kinship caregivers of the rights created under this section and information for filing complaints.

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

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

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

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

Sec. 3. K.S.A. 2024 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas

family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

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

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

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

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

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

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

(r) *"Haircare" means all care related to the maintenance of hair, including, but not limited to, a daily maintenance routine, washing, cutting, styling or dyeing of hair.*

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

~~(s)~~*(t)* "Jail" means:

(1) An adult jail or lockup; or

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

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

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

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

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

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

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

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

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

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

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

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

~~(aa)~~*(bb)* "Parent" when used in relation to a child or children,

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

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

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

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

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

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

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

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

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

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

~~(kk)~~*(ll)* "Secretary" means the secretary for children and families or the secretary's designee.

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

county jail.

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

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

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

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

~~(oo)~~*(pp)* "Support, opportunity, unity, legal relationships family legal permanency" or "SOUL family legal permanency" means the appointment of one or more adults, approved by a child who is 16 years of age or older and the subject of a child in need of care proceeding, pursuant to K.S.A. 38-2272a, and amendments thereto.

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

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

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

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

Sec. 4. K.S.A. 2024 Supp. 38-2201a and 38-2202 are hereby repealed.

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