

## HOUSE BILL No. 2400

By Representative Horst

2-7

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AN ACT concerning adoption; relating to independent legal advice; amending K.S.A. 59-2114 and 59-2115 and repealing the existing sections.

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

Section 1. K.S.A. 59-2114 is hereby amended to read as follows: 59-2114. (a) Consent shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If consent is acknowledged before a judge of a court of record, it shall be the duty of the court to advise the consenting person of the consequences of the consent. A consent is final when executed, unless the consenting party, prior to final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The burden of proving the consent was not freely and voluntarily given shall rest with the consenting party.

(b) *Minority of a parent shall not invalidate a parent's consent or relinquishment.*

~~(c)~~ (c) Consent in all cases shall have been executed not more than six months prior to the date the petition for adoption is filed.

Sec. 2. K.S.A. 59-2115 is hereby amended to read as follows: 59-2115. ~~Minority of a parent shall not invalidate a parent's consent or relinquishment, except that a minor~~ (a) Any parent shall have the advice of independent legal counsel as to the consequences of the consent or relinquishment prior to its execution. *An attorney shall not represent the parent and the petitioner or child placing agency, unless such dual representation is disclosed to the parties to the adoption and written consent to dual representation is obtained from all parties.*

(b) The attorney providing independent legal advice to ~~the~~ a minor parent shall be present at the execution of the consent or relinquishment. Unless the minor parent is otherwise represented by independent legal counsel, the petitioner or child placing agency shall provide independent legal counsel to the minor parent at such petitioner's or child placing agency's sole expense.

Sec. 3. K.S.A. 59-2114 and 59-2115 are hereby repealed.

1       Sec. 4. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
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