

## HOUSE BILL No. 2285

By Committee on Judiciary

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9 AN ACT concerning the revised Kansas code for care of children; relat-  
10 ing to jurisdiction; amending K.S.A. 2006 Supp. 38-2203 and repealing  
11 the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 38-2203 is hereby amended to read as  
15 follows: 38-2203. (a) Proceedings concerning any child who may be a child  
16 in need of care shall be governed by this code, except in those instances  
17 when the Indian child welfare act of 1978 (25 U.S.C. §1901 et seq.)  
18 applies. The Indian child welfare act may apply to: The filing to initiate  
19 a child in need of care proceeding (K.S.A. 2006 Supp. 38-2234, and  
20 amendments thereto); ex parte custody orders (K.S.A. 2006 Supp. 38-  
21 2242, and amendments thereto); temporary custody hearing (K.S.A. 2006  
22 Supp. 38-2243, and amendments thereto); adjudication (K.S.A. 2006  
23 Supp. 38-2247, and amendments thereto); burden of proof (K.S.A. 2006  
24 Supp. 38-2250, and amendments thereto); disposition (K.S.A. 2006 Supp.  
25 38-2255, and amendments thereto); permanency hearings (K.S.A. 2006  
26 Supp. 38-2264, and amendments thereto); termination of parental rights  
27 (K.S.A. 2006 Supp. 38-2267, 38-2268 and 38-2269, and amendments  
28 thereto); establishment of permanent custodianship (K.S.A. 2006 Supp.  
29 38-2268 and 38-2272, and amendments thereto); the placement of a child  
30 in any foster, pre-adoptive and adoptive home and the placement of a  
31 child in a guardianship arrangement under chapter 59, article 30 of the  
32 Kansas Statutes Annotated, and amendments thereto.

33 (b) Subject to the uniform child custody jurisdiction and enforcement  
34 act, K.S.A. 38-1336 through 38-1377, and amendments thereto, the dis-  
35 trict court shall have original jurisdiction of proceedings pursuant to this  
36 code.

37 (c) The court acquires jurisdiction over a child by the filing of a pe-  
38 tition pursuant to this code or upon issuance of an *ex parte* order pursuant  
39 to K.S.A. 2006 Supp. 38-2242, and amendments thereto. When the court  
40 acquires jurisdiction over a child in need of care, jurisdiction may con-  
41 tinue until the child has: (1) Attained the age of 21 years; (2) been  
42 adopted; or (3) been discharged by the court.

43 (d) Any child 18 years of age or over may request, in writing to the

1 court, that the jurisdiction of the court cease. The court shall give notice  
2 of the request to all parties and interested parties ~~and 30 days after receipt~~  
3 ~~of the request, jurisdiction will cease.~~

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

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

17 Sec. 2. K.S.A. 2006 Supp. 38-2203 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its  
19 publication in the statute book.