

SENATE BILL No. 286

By Senator Brownlee

2-5

9 AN ACT concerning adoption; relating to adult adoption; termination of
10 parental rights not required; amending K.S.A. 59-2118, 59-2137, 59-
11 2141 and 59-2142 and repealing the existing sections.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. In an adult adoption, parental rights need not be
15 terminated in order to complete the adoption process. Parental rights
16 shall not be terminated if such parent and the adult subject of the adop-
17 tion object to the termination.

18 Sec. 2. K.S.A. 59-2118 is hereby amended to read as follows: 59-
19 2118. (a) Any person adopted as provided in K.S.A. 59-2111 through 59-
20 2143, and amendments thereto, shall assume the surname of the peti-
21 tioner or petitioners for adoption, except that the court in its discretion
22 may permit a different surname when requested by the petitioner or
23 petitioners. When requested by the petitioner or petitioners, the court,
24 in its discretion, may change the given name or names of the person
25 adopted.

26 (b) When adopted, a person shall be entitled to the same personal
27 and property rights as a birth child of the adoptive parent. The adoptive
28 parent shall be entitled to exercise all the rights of a birth parent and be
29 subject to all the liabilities of that relationship. Upon adoption, all the
30 rights of birth parents to the adopted person, including their right to
31 inherit from or through the person, shall cease, except *that* the rights of
32 a birth parent who is the spouse of the adopting parent *and the rights of*
33 *a birth parent when the birth parent and an adult subject of the adoption*
34 *object shall not cease.* An adoption shall not terminate the right of the
35 child to inherit from or through the birth parent.

36 Sec. 3. K.S.A. 59-2137 is hereby amended to read as follows: 59-
37 2137. In addition to those requirements, where applicable, as set out in
38 the provisions of K.S.A. 59-2111 through 59-2124, *and amendments*
39 *thereto*, K.S.A. 59-2138 through 59-2142 *and section 1, and amendments*
40 *thereto*, shall apply to adult adoptions.

41 Sec. 4. K.S.A. 59-2141 is hereby amended to read as follows: 59-
42 2141. (a) The court, by order, shall fix a time and place for hearing on
43 the petition. ~~The hearing may be with or without notice as the court shall~~

1 ~~direct and the court may hear the petition forthwith.~~

2 ~~—(b) The court may order that notice of the hearing be given to the~~
3 ~~parents of the adult subject of the adoption and shall require notice,~~
4 ~~unless waived, to any consenting party.~~

5 *(b) In adult adoptions, notice of the hearing on the petition shall be*
6 *given to the parents or presumed parents, unless notice has been waived*
7 *or if parental rights have been previously terminated, and such other*
8 *persons as the court may direct.*

9 Sec. 5. K.S.A. 59-2142 is hereby amended to read as follows: 59-
10 2142. The petitioner or attorney for the petitioner, if a decree of adoption
11 is entered, shall mail a certified copy of the decree to the former parent
12 of the adult adoptee, if the parent has had no notice of the proceeding
13 and, with reasonable diligence, can be located for service by first-class
14 mail. The petitioner or the attorney shall file proof of mailing with the
15 court or shall file an affidavit setting forth the reasons for noncompliance
16 if the reasons are not evident from the verified pleadings on file. Failure
17 to give the notice required by this section shall not invalidate the adoption,
18 *except that failure to give notice in an adult adoption, as provided in*
19 *subsection (b) of K.S.A. 59-2141, and amendments thereto, shall invalidate*
20 *the adoption.*

21 Sec. 6. K.S.A. 59-2118, 59-2137, 59-2141 and 59-2142 are hereby
22 repealed.

23 Sec. 7. This act shall take effect and be in force from and after its
24 publication in the statute book.