

Approved

3/1/90

Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./~~p.m.~~ on February 21, 1990 in room 526 of the Capitol.

All members were present except:

Committee staff present:

Norman Furse, Revisor's Office
Bill Wolff, Legislative Services
Sandra Nash, Committee Secretary

Conferees appearing before the committee:

The Chairman called the meeting to order, asking for approval of the minutes of February 14 and 15, 1990. Senator Hayden made a motion to approve the minutes. Senator Langworthy seconded the motion. The motion carried.

The Chairman called for action on bills previously heard. S.B. 543 is the bill on the physical therapist. Tom Bell of the Kansas Hospital Association and Caroline Bloom of the Physical Therapist Association have met and have come up with a workable solution to S.B. 543.

Tom Bell of the Kansas Hospital Association presented the change worked out by the Kansas Hospital Association and the Physical Therapist Association. (Attachment 1) Mr. Bell said they also talked with the Kansas Association of Osteopathic Medicine and the Kansas Medical Society and they have no objection to this compromise. What has been done is to withdraw the request to put the except in to allow the physician to initial the order and then in line 31, delete the language, "no later than the third treatment" and amend that to say after the word "treatment" add "as soon as possible".

Senator Ehrlich asked Caroline Bloom of the Physical Therapist Association to confirm what Mr. Bell declared, that this is a compromise.

Ms. Bloom said the Kansas Physical Therapist Association agrees with the compromise and are comfortable with the language and would like to see S.B. 543 passed out of the Senate. Ms. Bloom said that she felt the basic issue of getting physical therapy to patients in rural hospitals as quickly as possible will be met with this bill.

The Chairman asked for the wishes of the Committee on S.B. 543. Senator Hayden made a motion to accept the amendments as proposed. Senator Langworthy seconded the motion. The motion carried.

The Chairman asked for the wishes of the Committee on S.B. 543 as amended. Senator Langworthy made a motion to pass S.B. 543 as amended. Senator Hayden seconded the motion. The motion carried. Senator Langworthy will carry S.B. 543.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526, Statehouse, at 10:00 a.m./~~p.m.~~ on February 21, 1990

The Chairman called to hear the report of the Sub-Committee on S.B. 434.

The Chairman recognized the chairman of the Sub-Committee, Senator Langworthy.

Senator Langworthy presented the Report of the Subcommittee on Foster Care (Attachment 2). Senator Langworthy said to strike the second sentence of the report. It was to have been excluded.

Senator Langworthy gave a brief summary of the report, pointing out the main issues to be included in a request to the Legislative Post Audit Committee for a Post Audit.

The recommendation out of the Subcommittee to the Committee on Public Health and Welfare to recommend for interim study. It includes:

- 1) An Overview of Foster Care: Trends
- 2) Placement of Children in Foster Care
- 3) Qualifications of Foster Parents
- 4) Effect of the Formula Allocation of Funds
- 5) Oversight of the Foster Care Program
- 6) Trends in Abuse and Neglect Reporting
- 7) Handling of Abuse and Neglect Reports.

Senator Langworthy said Post Audit stated it would be impossible to complete the audit in the 1990 Session, although some of the preliminary data could be available prior to adjournment. Therefore, the subcommittee recommends that the Senate Public Health and Welfare transmit a request to the Legislative Coordinating Council that an interim study be assigned and include the issues outlined above. Further, the subcommittee recommends that the interim study request be conducted by a special committee that includes members from the Public Health and Welfare Committees of the House and Senate, members from the Senate and House Committees on Judiciary, and members from the Federal and State Affairs Committees of the two houses. The Legislative Committee on Post Audit should be requested by the Senate Committee to authorize at least the initial phase of the recommended post audits.

Senator Langworthy moved that the Committee adopt the Subcommittee Report on Foster Care. Senator Burke seconded the motion. The motion carried.

Senator Langworthy said there was a second subcommittee on S.B. 434 composed of Senators Langworthy, Salisbury and Walker to look at S.B. 434 and the result is a balloon (Attachment 3) What was done was to add a new "(4)" where foster parent is further defined separate from foster families so that information given would not be given to all family members, but would be given to the foster parents, those responsible for the care of foster children.

The old "(4)" was changed to a new "(5)." In (5)(b) in line 34 add after the word "shall" "seek to obtain and shall". Line 35 delete "foster family" and add "foster parent as the information becomes available to the secretary."

Senator Langworthy made the motion on behalf of the Subcommittee to adopt the amendment to S.B. 434 in the balloon. Senator Burke seconded the motion. The motion carried.

Senator Langworthy made a motion to report S.B. 434 as amended be passed. Senator Reilly seconded the motion. The motion carried. Senator Langworthy will carry S.B. 434.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526, Statehouse, at 10:00 a.m./p.m. on February 21, 1990

Senator Langworthy also presented the amendments recommended for the Kansas code for care of children act. Attachment 4

The changes are (1) Section 1(b), delete after "addresses" "or, if no grandparent is living or if no living grandparent's address is known," and insert "if known, and". This change would give more notification to more families.

Section 2(d)(4) after "the court shall" delete the words starting with "give" through "custody" and add "grant", to read further "to a relative of the child". Delete from word "and" through "ties" and add "if the court finds that such relative is willing and able to assume custody of the child and that it is in the best interests of the child to grant custody to such relative. If the court does not grant custody to a relative of the child, the court shall give preference, to the extent that the court finds it is in the best interests of the child, to granting custody of the child to a person with whom the child has close emotional ties."

This change is a tightening up and giving more direction as to what the court should do. The current law gives the court a little more latitude in granting the custody.

Senator Langworthy reviewed the third proposed change. Section 3(b) deletion of words following "addresses", starting with "or," through "known," and adding "if known, and".

Senator Langworthy said the next change would deal with hearings on termination of parental rights. The current hearing is to a court only. The change would allow one of the parents to request a jury trial and the jury would be of six persons. Section 4(a) Add words after "request", "The hearing shall be held to the court only unless one or both parents, at least 10 business days prior to the time of the hearing, requests in writing a hearing before a jury. The jury, if one is requested, shall consist of six persons selected as provided by law."

Sec. 5(a) Add after word "court" "or jury, if a hearing before a jury has been requested,".

Add a new Section 5(f) "After entry of an order terminating parental rights, the court on motion of any interested party shall rehear the matter pursuant to K.S.A. 38-1564 and amendments thereto."

Currently, the rehear is at the discretion of the court. This would allow any interested party to request a rehearing.

Staff Furse said to explain further, the subcommittee talked about the possibility of jury on the rehearing, but the bill does provide for the jury on the hearing. Then, generally, in our statutes, it would be that the rehearing would be before the court. They have already had a jury trial.

Senator Langworthy said the last was on appeal of cases terminating parental rights, they be given priority over all other cases.

Senator Hayden asked if all the parties affected by this have been consulted with, particularly S.R.S.?

Senator Langworthy said no.

Senator Hayden asked if there was going to be a long drawn out battle on this?

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,

room 526, Statehouse, at 10:00 a.m./~~p.m.~~ on February 21, 1990

Senator Ehrlich said the intention is to come up with this bill for request of an interim study. We will have no action on this bill.

Senator Langworthy made the motion to accept 9 RS 2649 as a bill. Senator Burke seconded the motion. The motion carried.

The Chairman commended the Subcommittee, Chairman Langworthy, Senators Kanan, Reilly, Strick, Walker, Salisbury for their outstanding work and time they put in for this Subcommittee report. Also the work done on S.B. 434 by the Subcommittee, Chairperson Langworthy, Senators Walker and Salisbury was commended by the Chairman.

The Committee adjourned at 10:30a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 6-6-90

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Ron Hein

KAMFT

Carolyn Bloom

Ks Physical Therapy Assn

FRANCES KASTNER

Ks Physical Therapy Assn

Nancy Bohannon

Ks Medical Society

Kelly Kuitala

Sen Winters office

Richard Morrissey

KDHE

Julie Hein

Hein & Ebert

ALAN COBIZ

KS RESP. CARE Soc

M. Haave

Topeka Capital-Journal

Carl Schurtheiner

Kansas Dental Assn.

ALAN BORCHER

PEOPLES NATURAL GAS CO

MIKE RYDANT

" " " "

Beth Powers

Ks. Choice Alliance

Ken Baber

Ks. Society of Med. Tech.

Elisa Marie Cosgrove

National PRO-VOCAL

Tom Bell

KHA

C. Dodson

KIAPE

SENATE BILL No. 543

By Committee on Public Health and Welfare

1-23

SPH & W
Attachment 1
2/21/90

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AN ACT concerning physical therapy; relating to treatment by a physical therapist assistant; amending K.S.A. 65-2914 and repealing the existing section.

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

Section 1. K.S.A. 65-2914 is hereby amended to read as follows: 65-2914. (a) No person shall employ fraud or deception in applying for or securing a certificate of registration as a physical therapist.

(b) A person registered under this act as a physical therapist shall not treat ailments or other health conditions of human beings other than by physical therapy unless duly licensed or registered to provide such treatment under the laws of this state.

(c) A person certified under this act as a physical therapist assistant shall not treat ailments or other health conditions of human beings except under the direction of a physical therapist duly registered under this act. The word "direction" as used in this subsection (c) shall mean that the physical therapist shall see all patients initially and evaluate them periodically *except in those cases in a hospital setting when the physical therapist is not immediately available, the physical therapist assistant may initiate patient care after telephone contact with the physical therapist for documented instruction. The physical therapist must then evaluate the patient and establish a plan of treatment* ~~no later than the third treatment~~ -----as soon as possible with a minimum weekly review.

(d) Any person violating the provisions of this section shall be guilty of a class B misdemeanor.

Sec. 2. K.S.A. 65-2914 is hereby repealed.

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

REPORT OF SUBCOMMITTEE ON FOSTER CARE

TO: Senate Committee on Public Health and Welfare

FROM: Subcommittee on Foster Care -- Senators Langworthy, Kanan, Reilly, Salisbury, Strick, and Walker

The subcommittee met twice to consider issues that should be included in a request for a legislative post audit review of the foster care system, to consider amendments to S.B. 434, and to assess the need for a request for an interim study of foster care issues. ~~Senators Kanan, Reilly, and Strick also attended the subcommittee meetings.~~ Staff from Youth Services in the Department of Social and Rehabilitation Services (SRS) also met with the subcommittee and responded to questions raised by the members.

At the first subcommittee meeting, Legislative Division of Post Audit staff met with the subcommittee to hear the members' concerns and expressions of interest in possible audit topics. Subsequent to the discussion, the Post Audit staff agreed to prepare an outline of possible audit studies of foster care, along with some estimate of the time necessary to conduct various audit phases. At the second meeting of the subcommittee, Post Audit staff submitted an outline of audits relating to foster care issues. The subcommittee concluded that the following outline of studies should be submitted to the Committee on Public Health and Welfare for possible transmission of a Committee request to the Legislative Post Audit Committee for Audits.

- **Overview of Foster Care: Trends**
 1. What have been the trends in the number of children in foster care, and why?
 2. What have been the trends in the number of foster families and other foster care facilities, and why?
 3. What have been the trends in the use of emergency shelters for children removed from their homes before an investigation is completed?
 4. Is the information available about children in foster care adequate to enable appropriate decisions to be made?
 5. What percent of audited foster facility costs are being reimbursed by the Department of SRS?

- **Placement of Children in Foster Care**
 1. How many placements do children typically have, and are they being placed in the recommended treatment level?
 2. How well do final placements of foster children work?
 3. Have courts made the required determination that reasonable efforts have been made to prevent or eliminate the need for foster care?

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4. Has the use of family support workers reduced the number of children put in an out-of-home placement?

- **Qualifications of Foster Parents**

Are adequate policies and procedures in place relating to hiring and training foster parents and are those policies and procedures being followed?

- **Effect of the Formula Allocation of Funds**

What has been the impact on delivery of foster care services of the funding allocation formula?

- **Oversight of the Foster Care Program**

1. Is the Department of SRS ensuring that evaluation and treatment plans are prepared for children in foster care and their families, are made available to appropriate people, and are being followed?

2. Are statutory case review requirements being met?

- **Trends in Abuse and Neglect Reporting**

1. What have been the trends in the numbers and types of abuse and neglect reports received by the Department?

2. How effective have child abuse and neglect prevention strategies been in reducing the incidence of child abuse and neglect reports?

- **Handling of Abuse and Neglect Reports**

1. To what extent have child abuse and neglect reports been handled on a timely basis?

2. How consistent statewide are the screening procedures used to determine whether an investigation should be conducted on abuse and neglect reports?

The subcommittee learned that it would be impossible to complete the audits outlined above within the time remaining during the 1990 Session, although some preliminary data could be collected prior to adjournment. Therefore, the subcommittee recommends that the Senate Committee on Public Health and Welfare transmit a request to the Legislative Coordinating Council that an interim study be assigned and include the issues outlined above. [Further, the subcommittee recommends that the interim study requested be conducted by a special committee that includes members from the Public Health and Welfare Committees of the House and Senate, members from the Senate and

House Committees on Judiciary, and members from the federal and State Affairs Committees of the two houses.] The Legislative Committee on Post Audit should be requested by the Senate Committee to authorize at least the initial phase of the recommended post audits.

Senator Audrey Langworthy, Chair

REPORT OF SUBCOMMITTEE ON S.B. 434

TO: Senate Committee on Public Health and Welfare

FROM: Subcommittee on S.B. 434

The subcommittee composed of Senators Langworthy, Salisbury, and Walker met with Committee staff and others to consider proposed amendments to S.B. 434. The Subcommittee makes the following recommendation in regard to the bill: That S.B. 434 be amended by the adoption of the amendments shown on the attached balloon and the bill be reported favorably as amended.

Senator Audrey Langworthy, Chair

SENATE BILL No. 434

By Special Committee on Public Health and Welfare

Re Proposal No. 46

12-21

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AN ACT concerning foster care of children; relating to information available to the foster family from the secretary of social and rehabilitation services.

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

Section 1. (a) As used in this section:

(1) "Child" means a person under 18 years of age who has been removed from the home of a relative as a result of judicial determination and whose placement and care is the responsibility of the secretary.

(2) "Family foster home" means a private home in which care is given for 24 hours a day for children away from their parent or guardian and which is licensed under K.A.R. 28-4-311 et seq.

(3) "Foster family" means all persons living in the foster home other than foster children.

(4) "Foster parent" means the licensee who is responsible for the care of foster children.

(4) "Secretary" means the secretary of social and rehabilitation services.

(5)

(b) In order to assist the foster family to make an informed decision regarding their acceptance of a particular child, to help the foster family anticipate problems which may occur during the child's placement and to help the foster family meet the needs of the child in a constructive manner, the secretary shall provide the following information to the foster family:

seek to obtain and shall foster parent as the information becomes available to the secretary

- (1) Strengths, needs and general behavior of the child;
- (2) circumstances which necessitated placement;
- (3) information about the child's family and the child's relationship to the family which may affect the placement;
- (4) important life experiences and relationships which may affect the child's feelings, behavior, attitudes or adjustment;
- (5) medical history of the child, including third-party coverage which may be available to the child; and
- (6) education history, to include present grade placement, special

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

2-2

SENATE BILL NO. _____

AN ACT concerning the Kansas code for care of children; amending K.S.A. 38-1562, 38-1564, 38-1582, 38-1583 and 38-1591 and K.S.A. 1989 Supp. 38-1563 and 38-1584 and repealing the existing sections.

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

Section 1. K.S.A. 38-1562 is hereby amended to read as follows: 38-1562. (a) At any time after a child has been adjudicated to be a child in need of care and prior to disposition, the judge shall permit any interested parties, and any persons required to be notified pursuant to subsection (b), to be heard as to proposals for appropriate disposition of the case.

(b) Before entering an order placing the child in the custody of a person other than the child's parent, the court shall require notice of the time and place of the hearing to be given to all the child's grandparents at their last known addresses ~~or, if no grandparent is living or if no living grandparent's address is known,~~ if known, and to the closest relative of each of the child's parents whose address is known. Such notice shall be given by restricted mail not less than 10 business days before the hearing and shall state that the person receiving the notice shall have an opportunity to be heard at the hearing. The provisions of this subsection shall not require additional notice to any person otherwise receiving notice of the hearing pursuant to K.S.A. 38-1536 and amendments thereto.

(c) Prior to entering an order of disposition, the court shall give consideration to the child's physical, mental and emotional condition; the child's need for assistance; the manner in which the parent participated in the abuse, neglect or abandonment of the child; and the evidence received at the

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dispositional hearing.

Sec. 2. K.S.A. 1989 Supp. 38-1563 is hereby amended to read as follows: 38-1563. (a) After consideration of any evidence offered relating to disposition, the court may retain jurisdiction and place the child in the custody of the child's parent subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including supervision of the child and the parent by a court services officer, or may order the child and the parent to participate in programs operated by the secretary or another appropriate individual or agency. The terms and conditions may require any special treatment or care which the child needs for the child's physical, mental or emotional health.

(b) The duration of any period of supervision or other terms or conditions shall be for an initial period of no more than 18 months. The court, at the expiration of that period, upon a hearing and for good cause shown, may make successive extensions of the supervision or other terms or conditions for up to 12 months at a time.

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

(d) If the court finds that placing the child in the custody of a parent will not assure protection from physical, mental or emotional abuse or neglect or sexual abuse or will not be in the best interests of the child, the court shall enter an order awarding custody of the child, until the further order of the court, to one of the following:

- (1) A relative of the child or a person with whom the child has close emotional ties;
- (2) any other suitable person;

- (3) a shelter facility; or
- (4) the secretary.

In making such a custody order, the court shall give preference, ~~to the extent that the court finds it is in the best interests of the child, first to granting custody~~ grant to a relative of the child ~~and second to granting custody of the child to a person with whom the child has close emotional ties~~ if the court finds that such relative is willing and able to assume custody of the child and that it is in the best interests of the child to grant custody to such relative. If the court does not grant custody to a relative of the child, the court shall give preference, to the extent that the court finds it is in the best interests of the child, to granting custody of the child to a person with whom the child has close emotional ties. If the court has awarded legal custody based on the finding specified by this subsection, the legal custodian shall not return the child to the home of that parent without the written consent of the court.

(e) When the custody of the child is awarded to the secretary:

(1) The court may recommend to the secretary where the child should be placed, but the court shall not have the power to direct a specific placement; and

(2) the secretary shall notify the court in writing of any placement of the child as soon as the placement is accomplished.

(f) If custody of a child is awarded under this section to a person other than the child's parent, the court may grant any individual reasonable rights to visit the child upon motion of the individual and a finding that the visitation rights would be in the best interests of the child.

(g) If the court issues an order of custody pursuant to this section, the court may enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child.

(h) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds from evidence presented by the petitioner that reasonable efforts have been made to prevent or eliminate the need for removal of the child or that an emergency exists which threatens the safety of the child and requires the immediate removal of the child. Such findings shall be included in any order entered by the court.

(i) In addition to or in lieu of any other order authorized by this section, if a child is adjudged to be a child in need of care by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 et seq. and amendments thereto) or K.S.A. 41-719, 41-804, 41-2719, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto, the court shall order the child to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary or the department of social and rehabilitation services.

Sec. 3. K.S.A. 38-1564 is hereby amended to read as follows: 38-1564. (a) After the entry of any dispositional order, the court may rehear the matter on its own motion or the motion of any interested party. Upon notice to all interested parties and after the rehearing, the court may enter any dispositional order authorized by this code.

(b) Before entering an order placing the child in the custody of a person other than the child's parent, the court shall require notice of the time and place of the rehearing to be given to all the child's grandparents at their last known addresses ~~or, if no grandparent is living or if no living grandparent's address is known,~~ if known, and to the closest relative of each of the child's parents whose address is known.

Such notice shall be given by restricted mail not less than 10 business days before the rehearing. The provisions of this subsection shall not require additional notice to any person otherwise receiving notice of the rehearing pursuant to K.S.A. 38-1536 and amendments thereto.

Sec. 4. K.S.A. 38-1582 is hereby amended to read as follows:
38-1582. (a) Upon receiving a petition or motion requesting termination of parental rights the court shall set the time and place for the hearing on the request. The hearing shall be held to the court only, unless one or both parents, at least 10 business days prior to the time of the hearing, requests in writing a hearing before a jury. The jury, if one is requested, shall consist of six persons selected as provided by law.

(b) The court shall give notice of the hearing as provided in K.S.A. 38-1533 and 38-1534. Prior to the commencement of the hearing the court shall determine that due diligence has been used in determining the identity of the interested parties and in accomplishing service of process.

(c) In any case in which a parent of a child cannot be located by the exercise of due diligence, service shall be made upon the child's nearest blood relative who can be located and upon the person with whom the child resides. Service by publication shall be ordered upon the parent.

(d) Prior to a hearing on a petition or a motion requesting termination of parental rights, the court shall appoint an attorney to represent any parent who fails to appear and may award a reasonable fee to the attorney for services. The fee may be assessed as an expense in the proceedings.

Sec. 5. K.S.A. 38-1583 is hereby amended to read as follows:
38-1583. (a) When the child has been adjudicated to be a child in need of care, the court may terminate parental rights when the court or jury, if a hearing before a jury has been requested, finds by clear and convincing evidence that the parent is unfit by reason of conduct or condition which renders the parent unable to care properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

(b) In making a determination hereunder the court or jury shall consider, but is not limited to, the following, if applicable:

(1) Emotional illness, mental illness, mental deficiency or physical disability of the parent, of such duration or nature as to render the parent unlikely to care for the ongoing physical, mental and emotional needs of the child;

(2) conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;

(3) excessive use of intoxicating liquors or narcotic or dangerous drugs;

(4) physical, mental or emotional neglect of the child;

(5) conviction of a felony and imprisonment;

(6) unexplained injury or death of a sibling;

(7) reasonable efforts by appropriate public or private child caring agencies have been unable to rehabilitate the family; and

(8) lack of effort on the part of the parent to adjust the parent's circumstances, conduct or conditions to meet the needs of the child.

(c) In addition to the foregoing, when a child is not in the physical custody of a parent, the court or jury, in proceedings concerning the termination of parental rights, shall also consider, but is not limited to the following:

(1) Failure to assure care of the child in the parental home when able to do so;

(2) failure to maintain regular visitation, contact or communication with the child or with the custodian of the child;

(3) failure to carry out a reasonable plan approved by the court directed toward the integration of the child into the parental home; and

(4) failure to pay a reasonable portion of the cost of substitute physical care and maintenance based on ability to pay.

In making the above determination, the court or jury may disregard incidental visitations, contacts, communications or contributions.

(d) The rights of the parents may be terminated as provided in this section if the court or jury finds that the parents have abandoned the child or the child was left under such circumstances that the identity of the parents is unknown and cannot be ascertained, despite diligent searching, and the parents have not come forward to claim the child within three months after the child is found.

(e) The existence of any one of the above standing alone may, but does not necessarily, establish grounds for termination of parental rights. The determination shall be based on an evaluation of all factors which are applicable. In considering any of the above factors for terminating the rights of a parent, the court or jury shall give primary consideration to the physical, mental or emotional condition and needs of the child.

(f) After entry of an order terminating parental rights, the court on motion of any interested party shall rehear the matter pursuant to K.S.A. 38-1564 and amendments thereto.

Sec. 6. K.S.A. 1989 Supp. 38-1584 is hereby amended to read as follows: 38-1584. (a) Purpose of section. The purpose of this section is to provide stability in the life of a child who must be removed from the home of a parent, to acknowledge that time perception of a child differs from that of an adult and to make the ongoing physical, mental and emotional needs of the child the decisive consideration in proceedings under this section. The primary goal for all children whose parents' parental rights have been terminated is placement in a permanent family setting.

(b) Notice of dispositional hearing. After terminating parental rights and before granting custody of the child for adoption proceedings or long-term foster care, the court shall require notice of the time and place of the hearing on custody to be given to all the child's grandparents ~~at--their--last--known addresses--or,--if--no--grandparent--is--living--or--if--no--living grandparent's--address--is--known,~~ if known, and to the closest relative of each of the child's parents whose address is known. Such notice shall be given by restricted mail not less than 10 business days before the hearing. The provisions of this

subsection shall not require additional notice to any person otherwise receiving notice of the hearing pursuant to K.S.A. 38-1536 and amendments thereto.

(c) Actions by the court. (1) Custody for adoption. When parental rights have been terminated and it appears that adoption is a viable alternative, the court shall enter one of the following orders:

(A) An order granting custody of the child, for adoption proceedings, to a reputable person of good moral character, the secretary or a corporation organized under the laws of the state of Kansas authorized to care for and surrender children for adoption as provided in K.S.A. 38-112 et seq. and amendments thereto. The person, secretary or corporation shall have authority to place the child in a family home, be a party to proceedings and give consent for the legal adoption of the child which shall be the only consent required to authorize the entry of an order or decree of adoption.

(B) An order granting custody of the child to proposed adoptive parents and consenting to the adoption of the child by the proposed adoptive parents.

(2) Custody for long-term foster care. When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court shall enter an order granting custody of the child for foster care to a reputable person of good moral character, a youth residential facility, the secretary or a corporation or association willing to receive the child, embracing in its objectives the purpose of caring for or obtaining homes for children.

(3) Preferences in custody for adoption or long-term foster care. In making an order under subsection (c)(1) or (2), the court shall ~~give preference to the extent that the court finds it is in the best interests of the child, first to granting~~ grant such custody to a relative of the child ~~and second to granting such custody to a person with whom the child has close emotional ties~~ if the court finds that such relative is willing and able to assume custody of the child and that it is in the best interests

of the child to grant custody to such relative. If the court does not grant custody to a relative of the child, the court shall give preference, to the extent that the court finds it is in the best interests of the child, to granting custody of the child to a person with whom the child has close emotional ties.

(d) Guardian and conservator of child. The secretary shall be guardian and conservator of any child placed in the secretary's custody, subject to any prior conservatorship.

(e) Reports and review of progress. After parental rights have been terminated and up to the time an adoption has been accomplished, the person or agency awarded custody of the child shall within 60 days submit a written plan for permanent placement which shall include measurable objectives and time schedules and shall thereafter not less frequently than each six months make a written report to the court stating the progress having been made toward finding an adoptive or long-term foster care placement for the child. Upon the receipt of each report the court shall review the contents thereof and determine whether or not a hearing should be held on the subject. In any case, the court shall notify all interested parties and hear evidence regarding progress toward finding an adoptive home or the acceptability of the long-term foster care plan within 18 months after parental rights have been terminated and every 12 months thereafter. If the court determines that inadequate progress is being made toward finding an adoptive placement or establishing an acceptable long-term foster care plan, the court may rescind its prior orders and make other orders regarding custody and adoption that are appropriate under the circumstances. Reports of a proposed adoptive placement need not contain the identity of the proposed adoptive parents.

(f) Discharge upon adoption. When the adoption of a child has been accomplished, the court shall enter an order discharging the child from the court's jurisdiction in the pending proceedings.

Sec. 7. K.S.A. 38-1591 is hereby amended to read as follows:
38-1591. (a) An appeal may be taken by any interested party from

any adjudication, disposition, termination of parental rights or order of temporary custody in any proceedings pursuant to this code.

(b) An appeal from an order entered by a district magistrate judge shall be to a district judge. The appeal shall be heard de novo within 30 days from the date the notice of appeal is filed.

(c) Procedure on appeal shall be governed by article 21 of chapter 60 of the Kansas Statutes Annotated.

(d) Appeals under this section, other than appeals of termination of parental rights, shall have priority over other cases except those having statutory priority. Appeals under this section of termination of parental rights shall have priority over all other cases.

Sec. 8. K.S.A. 38-1562, 38-1564, 38-1582, 38-1583 and 38-1591 and K.S.A. 1989 Supp. 38-1563 and 38-1584 are hereby repealed.

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