

5/7/99

MINUTES OF THE SENATE WAYS AND MEANS.

The meeting was called to order by Chairperson Dave Kerr at 11:00 a.m. on April 30, 1999 in Room 123S of the Capitol.

All members were present except:

Committee staff present: Alan Conroy, Legislative Research Department
Debra Hollon, Legislative Research Department
Rae Anne Davis, Legislative Research Department
Norman Furse, Revisor of Statutes
Michael Corrigan, Revisor of Statutes
Judy Bromich, Administrative Assistant
Ann Deitcher, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list.

HB 2571 **Child welfare reform act.**

Kathie Sparks of the Legislative Research Department explained **HB 2571** to the Committee.

Dr. Robert Harder, representing the Kansas League of Women Voters, spoke in support of **HB 2571** in it's present form. (Attach. 1).

Joyce Allegrucci, Commissioner of Children and Family Services, gave testimony in support of the concept of the Child Welfare Reform Act but called the Committee's attention to issues her agency felt must be addressed. (Attach. 2). She then spoke in regard to the Senate substitute for **HB 2571**, (Attach. 3).

Chairman Kerr spoke of the current administration with SRS and their wealth of knowledge about what has been going on with programs they have originated. With this in mind, he appointed Senators Morris, Downey and Ranson to a subcommittee who would meet with some House members to see what could be worked out in regard to the Child Welfare Reform Act. They would then report back to the full committee of the Ways and Means with their results.

HB 2558 **Concerning the disposition of certain moneys for the benefit of children.**

Carolyn Rampey of the Legislative Research Department gave an explanation to the Committee by using a flow chart of **HB 2558** as amended. (Attach. 4).

Jim Wilson, of the Office of the Revisor of Statutes spoke to the Committee in regard to the draft of the Senate substitute for **HB 2558**. (Attach. 5).

It was moved by Senator Feleciano and seconded by Senator Petty that **HB 2558** be passed favorably out of Committee. The motion carried on a roll-call vote.

It was moved by Senator Salisbury and seconded by Senator Downey that the minutes for March 15, 16, 17, 18, 23, 25 (meeting at the rail) and April 28, 1999 be approved. The motion carried on a voice vote.

The meeting was adjourned at 12:55 p.m. The next meeting is on call of the Chairman.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

DATE: 4/30/99

NAME	REPRESENTING
Bob Harder	LWV-KS
Ken Felt	Ks. Environmental Consulting
Wardy Moss	Ks. App. Prod. Assn.
Bill Henry	Ks. (Governmental) Consulting
Robin Lehman	Kansas Actn for Children
Melissa Ness	Ks Children's Service League
Maureen Helbert	Kansas Smokeless Kids Initiative
Kevin Walker	American Heart Ass'n
Lally Long	Ks Public Health Assn.
John Garling	SRS
Terri Roberts	Kansas State Nurses Assn.

April 29, 1999

RC 11

To: Members of the House of Representatives
Re: Kansas Child Welfare Reform Act - Substitute HB 2571, as amended by the House Appropriations Committee

During the 2 ½ years of SRS/Privatization, there has been increasing concern about the lack of legislation to provide a frame work for privatization. There continues to be confusion as to roles and responsibilities. At times, it is hard to determine who is accountable. This legislation is drawn to correct some of those problems.

As background for the Kansas Child Welfare Reform Act, it is important to note the following comments which are taken from the LPA Report, Foster Care, Part II, December 1998, pages 6 and 7.

If they could start over, the Contractors told us they would make changes. We asked officials from each contractor what they would change about the way the foster care system was setup, if they could go back and start over.

All three contractors mentioned adjusting the amounts they were paid per child. One Contractor suggested making the case rate amount an annual payment. All three wished more "catastrophic" children would have had their costs paid on a fee-for-service basis that covered actual fee charges. One suggested having a financial summit of auditors, accountants, budget analysts, contractors, and Department staff to sit down and analyze true costs, and then set case rates accordingly.

Other assorted suggestions for change offered by the contractors were as follows:

- redesigning the cumbersome monitoring system
- increasing communication between the contractors, the courts, and the Department
- compensating the contractors for contract modifications that are costly to them
- removing "long term foster care" children from the contract and case rate system
- establishing a consensus about what Kansas expects from the foster care system, and establishing objective criteria to determine whether these goals have been met

We asked Department Officials what they would do differently if they had it to do over again. They said they thought many aspects of the system worked well. The things they thought were most effective were as follows:

- the contract is performance based
- spending is tied to outcomes
- there's less focus on process and more on outcomes
- all providers are Kansas-based agencies
- there's flexibility to make necessary changes within the contract design
- financial and clinical responsibility are held by the same entity

However, Department officials said they would make the following adjustments if they could start again:

- develop a more accurate and detailed historical analysis of the Department's foster care costs
- develop a more accurate analysis of the Department's achievement on the outcomes included in the request for proposal
- increase input from judges and foster parents
- increase the time required to transfer children to the contractors
- evaluate whether to transfer children already in foster care to the contractors, or just start with new children coming into foster care
- have more realistic outcome expectations for the first two years

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Attachment # 1-1

- increase the amount of training offered to contractors and Department staff
- create a four-year internal contract budget to better predict long-term funding needs

SETTING FORTH THE PURPOSES OF THE BILL

New Sec. 2 PURPOSE: States that the proposed legislation speaks to the total child welfare system and not just parts of it.

RESPONDS To: The SRS request that they not be viewed as the sole interested party as it relates to child welfare matters.

New Sec. 3 PURPOSE: This sets forth that the goal of the system is to assure for each child permanency and safety.

RESPONDS To: SRS and Legislative concern for the safety and permanency of each child in the system

New Sec. 4 PURPOSE: The purpose of this section is to set forth that the Secretary of SRS has the on-going responsibility for the care and disposition of the child. This authority and responsibility can not be delegated or contracted away.

RESPONDS To: Jim Bell Third Quarter Report, 1/12/99 - Division of legal authority from service provision: Pages 124, 134

New Sec. 5 PURPOSE: Urges more community involvement in carrying out the child welfare program; this section gives standing to all stakeholders.

RESPONDS To: LPA, F.C. Report, No. 1, November 1998; page 46, no. 3
 Several Legislators have indicated a frustration with the privatization system because of the lack of community involvement.
 Joint Committee on SRS Transition, 3/99, page 7

PURPOSE To ensure that the family preservation program is seen as the first line of preventative defense. Family preservation is to be used on "hard" cases as well as "soft" cases.

RESPONDS TO: Jim Bell Report, 1/12/99, pages 123 & 128.
 Several legislators who thought the family preservation is "creaming" the easier cases and avoiding the more difficult cases.

w Sec. 6 (para a.)PURPOSE: To ensure that complete and accurate information is provided to relevant parties.

RESPONDS TO: LPA Report, November 1998; page 46, Item 3.
Jim Bell Report 1/12/99; pages 126 &127
Ks Judiciary Recommendations on F.C.,page 1

New Sec. 6(para B)PURPOSE: To ensure that the children in the foster care system are not warehoused. Children are to be placed in the least restrictive environment.

RESPONDS TO: LPA, Part I, Nov. 1998 pages 46, 47, para 4
Jim Bell Report, 1/12/99; page 131
Joint Committee on SRS Transition, 3/99, page 12

New Sec. 6(para. c) PURPOSE; To ensure that SRS remains knowledgeable about the program for each child and can report to the courts.

RESPONDS TO: LPA, FC AUDIT, Part 1, Nov. 1998; pgs. 13,46,para 3
Jim Bell Report, 1/12/99; pg 134

New Sec. 6(para d) PURPOSE: To ensure all parties be present in order to make timely and informed decisions.

RESPONDS TO: LPA, Part I, Nov. 1998 page 46, para 3
Jim Bell Report, 1/12/99, page 134
Kansas Judiciary Recs. on F.C., page 1

New Sec. 6(para e) PURPOSE: Promotes to community involvement concept and to make sure services are coordinated.

RESPONDS TO: LPA, Part I, Nov. 1998 pages 44, 45, 47
Jim Bell Report, 1/12/99, page 128 and 133

New Sec. 6(para f) PURPOSE: To ensure there is a mechanism for the continuous updating of a housing inventory; to prevent the use of institutional settings

RESPONDS TO: LPA, Part I, Nov. 1998 page 44, para 1; page 47 para 4b
Joint Comm of SRS Trans Oversight March 99 Page 10

New Sec. 6(para g) PURPOSE: This provides a mechanism for knowing service needs across the state.

RESPONDS TO: LPA, Part I, Nov. 1998 page 44, para 1
Jim Bell Report, 1/12/99, page 131

New Sec. 6(para h) PURPOSE: To ensure a mechanism for making sure that service needs are included in the child's service plan.

RESPONDS TO: LPA, Part I, Nov. 1998 page 44, 45, para b, c and d
Jim Bell Report, 1/12/99, page 124, 125 and 128

New Sec. 6(para i) PURPOSE: To ensure a child is not only moving through the system, but there is a functional improvement of the child while moving through the system. It also brings in the family to convey the importance of working with the child within a family setting.

RESPONDS TO: LPA, Part 1, Nov. 1998 page 44-45, para b, c, d
Jim Bell Report, 1/12/99, page 124, 125 and 128

New Sec. 6(para j) PURPOSE: To ensure that a comprehensive and complete record on the child is transferred with the child.

RESPONDS TO: LPA, Part 1, Nov. 1998 page 46, para 3
Jim Bell Report, 1/12/99, page 126
Kansas Judiciary Recs. on F.C., page 1

New Sec. 6(para k) PURPOSE: To ensure that children are not lost in the system and that necessary services are being provided to the children. Also it specifies that a system for collecting data shall be maintained.

RESPONDS TO: LPA, Part 1, Nov. 1998 page 44-46
LPA, Part 2, Dec. 1998 page 19, 29 para 4
Jim Bell Report, 1/12/99, VII
Joint Comm and SRS Transition Page 12

New Sec. 6(para l) PURPOSE: To establish the seriousness for accurate reporting and the consequences for falsifying information.

RESPONDS TO: Testimony from several judges and media reports

New Sec. 6(para m) PURPOSE: To establish that all service provider contracts have responsibility to ensure safety and permanence for each child.

RESPONDS TO: Legislative and SRS concern that each entity understand their responsibility to ensure safety and permanence.

New Sec. 6 (para n) PURPOSE: To report to the public the contractors adherence to contract outcomes.

RESPONDS TO: Codifies need for public information.

New Sec. 6 (para o) PURPOSE: Establishes some of the basic and essential information to be included in the contract negotiations.

RESPONDS TO: LPA, Part 2, Dec. 1998 page 19
Jim Bell Report, 1/12/99, page 119 and 120

New Sec. 6 (para p) PURPOSE: Provides that incentives and disincentives can be included in the contracts. The contracts are to be performance and outcomes based, the emphasis of the work is that of returning the child to the home, when appropriate, or have the child adopted.

RESPONDS TO: LPA, Part 1, Nov. 1998 page 45, para b
LPA, Part 2, Dec. 1998, page 19, para 3

New Sec. 6 (para q) PURPOSE: Providing an accounting and reporting mechanism through the Kansas Register as a way for the Legislature and the public to determine the performance of the contractors.

RESPONDS TO: Legislative concern for higher degree of contract accountability.

New Sec. 6 (para r) PURPOSE: Requires that SRS will provide necessary training to SRS staff.

RESPONDS TO: Recurring need heard in Legislative hearings

New Sec. 6 (para s) PURPOSE: Provides a mechanism for SRS to call all stakeholders together to discuss strengths and weaknesses of the system and work for solutions to improve the system.

RESPONDS TO: Legislative concern that privatization arrangements that only involved SRS and the contractors.
LPA, Part 2, Dec. 98, page 47

New Sec. 6 (para t) PURPOSE: Provides that SRS will take action to overcome identified weaknesses.

RESPONDS TO: LPA, Part 1, Nov. 1998 page 44-46 item 4, b, and c
Joint Comm on SRS Trans Page 12, 13
Kansas Judiciary Recs.

New Sec. 6(para u) PURPOSE: SRS is to be responsible for ensuring an accounting system which will show total costs in the child welfare system.

RESPONDS TO: LPA, Part 2, Dec. 1998 page 18-19
Joint Comm on SRS Trans Page 11-12
Jim Bell Report, 1/12/99, page 119-120

New Sec. 7 PURPOSE: To provide a mechanism for the Secretary of SRS to collect the relevant information for the portfolio in Sec. 6(j) and provides for a penalty if the information is not provided.

RESPONDS TO: The need to have a mechanism to collect the portfolio information and a penalty when the information is not provided. The thrust of this provision is to make sure the provision has teeth.

New Sec. 8 PURPOSE: To establish that the Secretary of SRS will provide all the necessary training information to the participating parties but each individual entity will be responsible for

its own training.

RESPONDS TO: The need to establish the necessity for training throughout the system, but SRS is not solely responsible for the training. Jim Bell Report, 1/12/99, pages 120-122

New Sec. 9 PURPOSE: Provides that the Judicial Administrator will develop and implement a program for annual grants to provide legal services for foster care on a state-wide basis.

RESPONDS TO: The continue reports before Legislative Committees that a part of the slowness related to the movement of children through the system is the lack of necessary and timely legal services.

New Sec. 10 PURPOSE: Provides that the Joint Committee on Children's Issues shall have jurisdiction for monitoring, reviewing and making recommendations regarding child welfare programs.

RESPONDS TO: The need for Legislative oversight of the Kansas Child Welfare Reform Act.

Section 11 PURPOSE: To amend an existing statute defining the multi-disciplinary team as a collaborative team appointed by the court as it relates to the safety of the child.

RESPONDS TO: The need for collaboration and that the court makes the appointments of the multi-disciplinary teams.

Section 12 PURPOSE: Broadens the number of agencies that can share privileged information.

RESPONDS TO: Agencies need for access to child information.

Section 13 PURPOSE: To provide immunity to those individuals supplying information related to children in the system.

RESPONDS TO: SRS concerns.

Section 14 PURPOSE: Provides investigations related to the safety of the child be conducted by a multi-disciplinary team.

RESPONDS TO: SRS concerns.

Section 15 PURPOSE: Repealers.

Section 16 PURPOSE: Act takes effect with publication in the Kansas Register.

**State of Kansas
Department of Social
& Rehabilitation Services**

Rochelle Chronister, Secretary
Janet Schalansky, Deputy
Secretary

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**Senate Ways & Means
4-30-99**

Testimony: HB-2571

**Children and Family Services
Joyce Allegrucci
(785) 368-6448**

Senate Ways and Means Committee

Date 4/30/99

Attachment # 2-1

Kansas Department of Social and Rehabilitation Service
Rochelle Chronister, Secretary

Senate Ways & Means
HB-2571

4-30-99

Mr. Chairman and members of the Committee, I am Joyce Allegrucci, Commissioner of Children and Family Services. Thank you for the opportunity to appear before you today on behalf of Secretary Chronister to address HB-2571.

We fully support the concept of the Child Welfare Reform Act and appreciate the work of the House Committee in bringing us to this point. We endorse and support the sections of this bill that define the child welfare system and address systems issues. HB 2571 is a promising step in what we believe should be an evolving process of child welfare reform. This Act makes a good start by:

- definition of child welfare system that includes all the partners
- states purpose and goals
- focus on prevention of out-of-home placement
- assessing the system needs for placement and services
- performance based contracting
- training
- multi-disciplinary teams and collaborative efforts
- allows sharing of information to meet needs of the child

While we believe that this legislation is important in beginning a process of Child Welfare Reform, I want to call your attention to issues that must be addressed.

The language is overly broad and vague which:

- encourages litigation by, perhaps creating new entitlements
- creates a potential for delay in permanence for children
- diverts focus from states goals of safety and permanence
- justifies, and perhaps requires, increased government intrusion into families
- confuses roles and responsibilities

Coordination with existing federal and state law is required because:

- case specific requirements of chapter 38, article 15 are restated and perhaps modified
- federal and Kansas law prohibit the disclosure of substance abuse records
- secretary's duties and responsibilities are reiterated and perhaps modified
- secretary is given sole responsibility for safety and permanence for children

Shareholders encompassed in this bill were not included in the discussion:

- roles and responsibilities remain undefined but are to be assessed by SRS
- roles and responsibilities are, perhaps, modified
- mandates collaboration without defining

Overly detailed which:

- limits flexibility necessary to continuously improve performance
- is overly burdensome in ways that do not contribute to safety and permanency of children

We are anxious to see a Child Welfare Reform Act passed which will give us the opportunity to continue to work with all the legislature and all the stakeholders for reform.

2-3

SENATE SUBSTITUTE FOR HOUSE BILL No. 2571

3-29

AN ACT enacting the Kansas child welfare reform act; prescribing certain duties and responsibilities for the secretary of social and rehabilitation services, juvenile justice authority, department of health and environment, child service providers, courts, law enforcement agencies, guardians ad litem, county or district attorneys, physical or mental health providers, and educators; providing for certain studies and reports. *Be it enacted by the Legislature of the State of Kansas:*

New Sec. 1. Section 1 through 8 of this act shall be known and cited as the Kansas child welfare reform act.

New Sec. 2. "Child welfare system" means the department of social and rehabilitation services, juvenile justice authority, department of health and environment, child service providers, courts, law enforcement agencies, guardians ad litem, county or district attorneys, physical or mental health providers, and educators. Nothing in this act shall create any entitlement or give rise to a private cause of action.

New Sec. 3. The goal of the child welfare system in Kansas is to achieve permanency and a safe environment for each child.

New Sec. 4. The child welfare system will work to prevent abuse and neglect, and reduce the risks that children will be removed from their homes. Whenever possible services which might prevent the need for out of home placement should be used in lieu of out of home placement.

New Sec. 5. The secretary of social and rehabilitation services may provide or contract for services for children placed in the custody of the secretary, but the responsibility for their care remains with the secretary. The secretary shall have the power and authority to adopt such rules and regulations as may be necessary to administer the responsibilities of the secretary under the provisions of this act.

New Sec. 6. The secretary shall:

(a) within the limits of appropriation therefor, assess the placement needs of foster children on a periodic basis, determine the availability of placement opportunities and facilities to achieve a sufficient number of needed placement providers throughout the state;

(b) within the limits of appropriations therefor, assess the service needs of children and their families on a periodic basis, and assess the availability of needed services to determine actions required to make needed services available on a statewide basis;

(c) develop and incorporate into all service provider contracts regarding children in out of home placement, performance based outcomes related to safety and permanence for children;

1 (d) prepare and make available to the public an annual report of the outcomes
2 contractors achieved.

3 New Sec. 7. Each entity providing services under the child welfare system is responsible
4 to ensure that the officers and employees of such entity and the personnel of each service
5 provider receive appropriate training necessary to accomplish the goal of this act and to facilitate
6 collaboration with other entities providing services under the child welfare system. The secretary
7 of social and rehabilitation services shall develop and provide information about the training
8 necessary to accomplish the goal of this act and to facilitate collaboration. Subject to the limits
9 of appropriations therefor, the secretary of social and rehabilitation services shall convene an
10 annual symposium on training and collaboration for the child welfare system.

11 New Sec. 8. Subject to the provisions of appropriation acts, the judicial administrator
12 shall develop and implement a program for annual grants to provide for legal services in foster
13 care cases on a statewide basis. Each annual foster care legal services grant shall be awarded to a
14 qualified applicant to provide legal services for foster care cases, including, but not limited to,
15 the provision of guardians ad litem, legal representation for parents and assistance for county and
16 district attorneys in appropriate foster care cases. Each grant shall have a matching requirement
17 prescribing that the grant recipient shall match state money with nonstate moneys. In addition,
18 each grant agreement for a foster care legal services grant provide for regular reporting to the
19 judicial administrator of the legal services provided under such grant. The provision of legal
20 services under a foster care legal services grant under this section and the activities of the grant
21 recipient under such grant shall be subject to audit under the legislative post audit act.

22 New Sec. 9. Within the limits of appropriation therefor, and to extent feasible the entities
23 named in Sec. 2 shall develop an integrated information system which provides for the secure
24 collection and exchange of information at the case specific and systems level for use in assessing
25 gaps in services, planning, monitoring and evaluating the child welfare system.

26 Sec. 10. 1998 Supp. K.S.A. **38-1502** is hereby amended to read as follows: 38-1502.
27 Definitions. As used in this code, unless the context otherwise indicates:

- 28 (a) "Child in need of care" means a person less than 18 years of age who:
29 (1) Is without adequate parental care, control or subsistence and the condition is not due
30 solely to the lack of financial means of the child's parents or other custodian;
31 (2) is without the care or control necessary for the child's physical, mental or emotional
32 health;
33 (3) has been physically, mentally or emotionally abused or neglected or sexually abused;
34 (4) has been placed for care or adoption in violation of law;
35 (5) has been abandoned or does not have a known living parent;
36 (6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments
37 thereto;
38 (7) except in the case of a violation of K.S.A. 41-727, subsection (j) of K.S.A. 74-8810 or
39 subsection (m) or (n) of K.S.A. 79-3321, and amendments thereto, or, except as provided in
40 subsection (a)(12) of K.S.A. 21-4204a and amendments thereto, does an act which, when
41 committed by a person under 18 years of age, is prohibited by state law, city ordinance or county
42 resolution but which is not prohibited when done by an adult;
43 (8) while less than 10 years of age, commits any act which if done by an adult would

1 constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and
2 amendments thereto;

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

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

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

12 (12) while less than 10 years of age commits the offense defined in K.S.A. 21-4204a and
13 amendments thereto.

14 (b) "Physical, mental or emotional abuse or neglect" means the infliction of physical, mental
15 or emotional injury or the causing of a deterioration of a child and may include, but shall not be
16 limited to, failing to maintain reasonable care and treatment, negligent treatment or maltreatment
17 or exploiting a child to the extent that the child's health or emotional well-being is endangered. A
18 parent legitimately practicing religious beliefs who does not provide specified medical treatment
19 for a child because of religious beliefs shall not for that reason be considered a negligent parent;
20 however, this exception shall not preclude a court from entering an order pursuant to subsection
21 (a)(2) of K.S.A. 38-1513 and amendments thereto.

22 (c) "Sexual abuse" means any act committed with a child which is described in article 35,
23 chapter 21 of the Kansas Statutes Annotated and those acts described in K.S.A. 21-3602 or
24 21-3603, and amendments thereto, regardless of the age of the child.

25 (d) "Parent," when used in relation to a child or children, includes a guardian, conservator
26 and every person who is by law liable to maintain, care for or support the child.

27 (e) "Interested party" means the state, the petitioner, the child, any parent and any person
28 found to be an interested party pursuant to K.S.A. 38-1541 and amendments thereto.

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

32 (g) "Youth residential facility" means any home, foster home or structure which provides
33 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the
34 Kansas Statutes Annotated.

35 (h) "Shelter facility" means any public or private facility or home other than a juvenile
36 detention facility that may be used in accordance with this code for the purpose of providing
37 either temporary placement for the care of children in need of care prior to the issuance of a
38 dispositional order or longer term care under a dispositional order.

39 (i) "Juvenile detention facility" means any secure public or private facility used for the
40 lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

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

43 (k) "Secure facility" means a facility which is operated or structured so as to ensure that all

1 entrances and exits from the facility are under the exclusive control of the staff of the facility,
2 whether or not the person being detained has freedom of movement within the perimeters of the
3 facility, or which relies on locked rooms and buildings, fences or physical restraint in order to
4 control behavior of its residents. No secure facility shall be in a city or county jail.

5 (l) "Ward of the court" means a child over whom the court has acquired jurisdiction by the
6 filing of a petition pursuant to this code and who continues subject to that jurisdiction until the
7 petition is dismissed or the child is discharged as provided in K.S.A. 38-1503 and amendments
8 thereto.

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

13 (n) "Placement" means the designation by the individual or agency having custody of where
14 and with whom the child will live.

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

16 (p) "Relative" means a person related by blood, marriage or adoption but, when referring to
17 a relative of a child's parent, does not include the child's other parent.

18 (q) "Court-appointed special advocate" means a responsible adult other than an attorney
19 guardian *ad litem* who is appointed by the court to represent the best interests of a child, as
20 provided in K.S.A. 38-1505a and amendments thereto, in a proceeding pursuant to this code.

21 (r) "Multidisciplinary team" means ~~a group of persons~~ *a collaborative team*, appointed by
22 the court ~~or by the state department of social and rehabilitation services~~ under K.S.A. 38-1523a
23 and amendments thereto, *for the purpose of which has knowledge of the circumstances of*
24 *advising or assisting the department of social and rehabilitation services and law enforcement*
25 *agencies in the investigation, assessment or safety planning for a child who is the subject of a*
26 *report as a child in need of care by reason of physical, mental or emotional abuse or neglect or*
27 *sexual abuse.*

28 (s) "Jail" means:

29 (1) An adult jail or lockup; or

30 (2) a facility in the same building or on the same grounds as an adult jail or lockup, unless
31 the facility meets all applicable standards and licensure requirements under law and there is (A)
32 total separation of the juvenile and adult facility spatial areas such that there could be no
33 haphazard or accidental contact between juvenile and adult residents in the respective facilities;
34 (B) total separation in all juvenile and adult program activities within the facilities, including
35 recreation, education, counseling, health care, dining, sleeping, and general living activities; and
36 (C) separate juvenile and adult staff, including management, security staff and direct care staff
37 such as recreational, educational and counseling.

38 (t) "Kinship care" means the placement of a child in the home of the child's relative or in the
39 home of another adult with whom the child or the child's parent already has a close emotional
40 attachment.

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

1 (v) "Abandon" means to forsake, desert or cease providing care for the child without making
2 appropriate provisions for substitute care.

3 (w) "Permanent guardianship" means a judicially created relationship between child and
4 caretaker which is intended to be permanent and self-sustaining without ongoing state oversight
5 or intervention. The permanent guardian stands in loco parentis and exercises all the rights and
6 responsibilities of a parent.

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

9 (y) "Permanency hearing" means a notice and opportunity to be heard is provided to
10 interested parties, foster parents, preadoptive parents or relatives providing care for the child. The
11 court, after consideration of the evidence, shall determine whether progress toward the case plan
12 goal is adequate ~~or~~ *and* reintegration is a viable alternative, or if the case should be referred to the
13 county or district attorney for filing of a petition to terminate parental rights or to appoint a
14 permanent guardian.

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

18 Sec. 11. K.S.A. 1998 Supp. 38-1507 is hereby amended to read as follows: 38-1507.

19 (a) Except as otherwise provided, in order to protect the privacy of children who are the
20 subject of a child in need of care record or report, all records and reports concerning children in
21 need of care, including the juvenile intake and assessment report, received by the department of
22 social and rehabilitation services, a law enforcement agency or any juvenile intake and
23 assessment worker shall be kept confidential except: (1) To those persons or entities with a need
24 for information that is directly related to achieving the purposes of this code, or (2) upon an order
25 of a court of competent jurisdiction pursuant to a determination by the court that disclosure of the
26 reports and records is in the best interests of the child or are necessary for the proceedings before
27 the court, or both, and are otherwise admissible in evidence. Such access shall be limited to in
28 camera inspection unless the court otherwise issues an order specifying the terms of disclosure.

29 (b) The provisions of subsection (a) shall not prevent disclosure of information to an
30 educational institution or to individual educators about a pupil specified in subsection (a) (1)
31 through (5) of K.S.A. 1998 Supp. 72-89b03 and amendments thereto.

32 (c) When a report is received by the department of social and rehabilitation services, a
33 law enforcement agency or any juvenile intake and assessment worker which indicates a child
34 may be in need of care, the following persons and entities shall have a free exchange of
35 information between and among them:

- 36 (1) The department of social and rehabilitation services;
37 (2) the commissioner of juvenile justice;
38 (3) the law enforcement agency receiving such report;
39 (4) members of a court appointed multidisciplinary team;
40 (5) an entity mandated by federal law or an agency of any state authorized to receive and
41 investigate reports of a child known or suspected to be in need of care;
42 (6) a military enclave or Indian tribal organization authorized to receive and investigate
43 reports of a child known or suspected to be in need of care;

- 1 (7) a county or district attorney;
- 2 (8) a court services officer who has taken a child into custody pursuant to K.S.A.
- 3 38-1527, and amendments thereto;
- 4 (9) a guardian ad litem appointed for a child alleged to be in need of care;
- 5 (10) an intake and assessment worker; ~~and~~
- 6 (11) any community corrections program which has the child under court ordered
- 7 supervision; *and*
- 8 (12) *the department of health and environment or person authorized by the department of*
- 9 *health and environment pursuant to K.S.A. 59-512, and amendments thereto, for the purpose of*
- 10 *carrying out responsibilities relating to licensure or registration of child care providers as*
- 11 *required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto.*
- 12 (d) The following persons or entities *are authorized to provide and* shall have access to
- 13 information, records or reports *created, received by the department of social and rehabilitation*
- 14 *services, a law enforcement agency or any juvenile intake and assessment worker. Access shall*
- 15 *be limited to information or maintained among them but only to the extent* reasonably necessary
- 16 to carry out their lawful responsibilities to maintain their personal safety and the personal safety
- 17 of individuals in their care or to diagnose, treat, care for or protect a child alleged to be in need of
- 18 care.
- 19 (1) A child named in the report or records.
- 20 (2) A parent or other person responsible for the welfare of a child, or such person's legal
- 21 representative.
- 22 (3) A court-appointed special advocate for a child, a citizen review board or other
- 23 advocate which reports to the court.
- 24 (4) A person licensed *or registered* to practice the healing arts or mental health profession
- 25 in order to diagnose, care for, treat or supervise: (A) A child whom such service provider
- 26 reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person
- 27 who allegedly abused or neglected the child.
- 28 (5) A person or entity licensed or registered by the secretary of health and environment or
- 29 approved by the secretary of social and rehabilitation services to care for, treat or supervise a
- 30 child in need of care. In order to assist a child placed for care by the secretary of social and
- 31 rehabilitation services in a foster home or child care facility, the secretary shall provide relevant
- 32 information to the foster parents or child care facility prior to placement and as such information
- 33 becomes available to the secretary.
- 34 (6) A coroner or medical examiner when such person is determining the cause of death of
- 35 a child.
- 36 (7) The state child death review board established under K.S.A. 22a-243, and
- 37 amendments thereto.
- 38 (8) A prospective adoptive parent prior to placing a child in their care.
- 39 ~~(9) The department of health and environment or person authorized by the department of~~
- 40 ~~health and environment pursuant to K.S.A. 59-512, and amendments thereto, for the purpose of~~
- 41 ~~carrying out responsibilities relating to licensure or registration of child care providers as~~
- 42 ~~required by chapter 65 of article 5 of the Kansas Statutes Annotated, and amendments thereto.~~
- 43 (9) ~~(10)~~ The state protection and advocacy agency as provided by sub-section (a)(10) of

1 K.S.A. 65-5603 or subsection (a)(2)(A) and (B) of K.S.A. 74-5515, and amendments thereto.

2 (10) ~~(11)~~ Any educational institution to the extent necessary to enable the educational
3 institution to provide the safest possible environment for its pupils and employees.

4 (11) ~~(12)~~ Any educator to the extent necessary to enable the educator to protect the personal
5 safety of the educator and the educator's pupils.

6 (12) ~~(13)~~ *The secretary of social and rehabilitation services.*

7 (13) ~~(14)~~ *A law enforcement agency.*

8 (14) ~~(15)~~ *A juvenile intake and assessment worker.*

9 (e) Information from a record or report of a child in need of care shall be available to
10 members of the standing house or senate committee on judiciary, house committee on
11 appropriations, senate committee on ways and means, legislative post audit committee and joint
12 committee on children and families, carrying out such member's or committee's official functions
13 in accordance with K.S.A. 75-4319 and amendments thereto, in a closed or executive meeting.
14 Except in limited conditions established by 2/3 of the members of such committee, records and
15 reports received by the committee shall not be further disclosed. Unauthorized disclosure may
16 subject such member to discipline or censure from the house of representatives or senate.

17 (f) Nothing in this section shall be interpreted to prohibit the secretary of social and
18 rehabilitation services from summarizing the outcome of department actions regarding a child
19 alleged to be a child in need of care to a person having made such report.

20 (g) Disclosure of information from reports or records of a child in need of care to the
21 public shall be limited to confirmation of factual details with respect to how the case was handled
22 that do not violate the privacy of the child, if living, or the child's siblings, parents or guardians.
23 Further, confidential information may be released to the public only with the express written
24 permission of the individuals involved or their representatives or upon order of the court having
25 jurisdiction upon a finding by the court that public disclosure of information in the records or
26 reports is necessary for the resolution of an issue before the court.

27 (h) Nothing in this section shall be interpreted to prohibit a court of competent
28 jurisdiction from making an order disclosing the findings or information pursuant to a report of
29 alleged or suspected child abuse or neglect which has resulted in a child fatality or near fatality if
30 the court determines such disclosure is necessary to a legitimate state purpose. In making such
31 order, the court shall give due consideration to the privacy of the child, if, living, or the child's
32 siblings, parents or guardians.

33 (i) Information authorized to be disclosed in subsections (d) through (g) shall not contain
34 information which identifies a reporter of a child in need of care.

35 (j) Records or reports authorized to be disclosed in this section shall not be further
36 disclosed, except that the provisions of this subsection shall not prevent disclosure of information
37 to an educational institution or to individual educators about a pupil specified in subsection (a)(1)
38 through (5) of K.S.A. 1998 Supp. 72-89b03 and amendments thereto.

39 (k) Anyone who participates in providing or receiving information without malice under
40 the provisions of this section shall have immunity from any civil liability that might otherwise be
41 incurred or imposed. Any such participant shall have the same immunity with respect to
42 participation in any judicial proceedings resulting from providing or receiving information.

43 (l) No individual, association, partnership, corporation or other entity shall willfully or

1 knowingly disclose, permit or encourage disclosure of the contents of records or reports
2 concerning a child in need of care received by the department of social and rehabilitation
3 services, a law enforcement agency or a juvenile intake and assessment worker except as
4 provided by this code. Violation of this subsection is a class B misdemeanor.

5 Sec. 12. K.S.A. 1998 Supp. **38-1507b** is hereby amended to read as follows: 38-1507b.
6 Any person licensed or registered by the behavioral sciences regulatory board sharing
7 information under the provisions of this code shall not be subject to review under any rules or
8 regulations adopted by the behavioral sciences regulatory board. *Anyone providing or sharing*
9 *information pursuant to a proceeding under this code without malice and for the purpose of*
10 *fulfilling the purpose of this code shall have immunity from any civil liability that might*
11 *otherwise be incurred or imposed.*

12 Sec. 13. K.S.A. **38-1523a** is hereby amended to read as follows: 38-1523a. Same;
13 multidisciplinary team; appointment; disclosure of information upon application withdrawal.

14 (a) *The investigation, assessment and safety planning for a child alleged to be a child in*
15 *need of care by reason of physical, mental or emotional abuse or neglect or sexual abuse may be*
16 *conducted by a multidisciplinary team.*

17 (b) Upon recommendation of the state department of social and rehabilitation services or
18 the county or district attorney, the court may appoint a multidisciplinary team to *advise or assist*
19 *the department of social and rehabilitation services and law enforcement agencies in the*
20 *investigation, assessment or safety planning in gathering information* regarding a child alleged to
21 be a child in need of care by reason of physical, mental or emotional abuse or neglect or sexual
22 abuse. The team may be a standing multidisciplinary team or may be appointed for a specific
23 child. *Members comprising a multidisciplinary team shall include the department of social and*
24 *rehabilitation services and appropriate law enforcement agencies and may include other persons*
25 *having specialized knowledge concerning investigation, assessment or safety planning*
26 *concerning abused or neglected children.*

27 ~~(b)~~ (c) Any person appointed as a member of a multidisciplinary team may decline to serve
28 and shall incur no civil liability as the result of declining to serve.

29 ~~—(e) This section shall be part of and supplemental to the Kansas code for care of children.~~

30 (d) The multidisciplinary team may request disclosure of information in regard to a child
31 alleged to be a child in need of care, or a child who has been adjudged to be a child in need of
32 care, by making a written verified application to the district court. Upon a finding by the court
33 there is probable cause to believe the information sought may assist in determining if a child is a
34 child in need of care as defined in K.S.A. 38-1502 and amendments thereto, or in assisting a
35 child who has been adjudicated a child in need of care, then the court may issue a subpoena,
36 subpoena duces tecum or enter an order for the production of the requested documents, reports or
37 information and directing the document, reports or information to be delivered to the applicant at
38 a specified time, date and place. The time and date of delivery shall not be sooner than five days
39 after the service of the subpoena or order, excluding Saturdays, Sundays or holidays. The court
40 issuing the subpoena or order shall keep all applications filed pursuant to this subsection and a
41 copy of the subpoena or order in a special file maintained for such purpose or in the official court
42 file for the child. Upon receiving service of a subpoena, subpoena duces tecum or an order for
43 production pursuant to this subsection, the party served shall give oral or written notice of service

1 to any person known to have a right to assert a privilege or assert a right of confidentiality in
2 regard to the documents, reports or information sought at least three days before the specified
3 date of delivery.

4
5 (e) The written verified application shall be in substantially the following form:

6
7 Name of Court
8 In the Interest of _____ Case No.
9
10 Name (s)

11
12 Date of birth: _____
13 Each a child under 18 years of age.

14 WRITTEN APPLICATION FOR DISCLOSURE OF INFORMATION

15 County of _____

16
17 ss

18
19 State of Kansas

20 The undersigned applicant being first duly sworn alleges and states as follows:

- 21 1. The applicant is _____.
22 2. There is an investigation being made into the report of alleged neglect or abuse in
23 regard to the above-named child or children.

24 A petition has been filed alleging the above-named child is a child in need of care or the
25 child has been adjudicated to be a child in need of care.

- 26 3. The following documents, reports and/or information are requested. (List specifically.)
27 4. The reasons for the request are:
28 Further applicant saith not.

29 _____
30
31 Applicant

32
33 Subscribed and sworn to before me
34 this ____ day of _____, 19____.

35 _____
36
37 Notary Public

38
39 My commission expires:

40 _____
41 (f) Any parent, child, guardian ad litem, party subpoenaed or subject to an order of
42 production or person who claims a privilege or right of confidentiality may request in writing
43 that the court issuing the subpoena or order for production withdraw the subpoena, subpoena
44 duces tecum or order for production issued pursuant to subsection (d). The request shall

1 automatically stay the operation of the subpoena, subpoena duces tecum or order for production
2 and the documents, reports or information requested shall not be delivered until the issuing court
3 has held a hearing to determine if the documents, reports or information are subject to the
4 claimed privilege or right of confidentiality, and whether it is in the best interests of the child for
5 the subpoena or order to produce to be honored. The request to withdraw shall be filed with the
6 district court issuing the subpoena or order at least 24 hours prior to the specified time and date
7 of delivery, excluding Saturdays, Sundays or holidays, and a copy of the written request must be
8 given to the person subpoenaed or subject to the order for production at least 24 hours prior to
9 the specified time and date of delivery.

10 Sec. 14. K.S.A. 38-1528. Child under 18 taken into custody; duties of officers; referral
11 of cases for proceedings under this code and interstate compact on juveniles; custody of shelter
12 facility or other person; application of law enforcement officer; release of child.

13 (a) To the extent possible, when any law enforcement officer takes into custody a child
14 under the age of 18 years, without a court order, the child shall forthwith be delivered to the
15 custody of the child's parent or other custodian unless there are reasonable grounds to believe
16 that such action would not be in the best interests of the child. Except as provided in subsection
17 (b), if the child is not delivered to the custody of the child's parent or other custodian, the child
18 shall forthwith be delivered to a facility or person designated by the secretary or to a court
19 designated shelter facility, court services officer, juvenile intake and assessment worker, licensed
20 attendant care center or other person. If, after delivery of the child to a shelter facility, the person
21 in charge of the shelter facility at that time and the law enforcement officer determine that the
22 child will not remain in the shelter facility, the law enforcement officer shall deliver the child to a
23 juvenile detention facility or other secure facility, designated by the court, where the child shall
24 be detained for not more than 24 hours, excluding Saturdays, Sundays and legal holidays. It shall
25 be the duty of the law enforcement officer to furnish to the county or district attorney, without
26 unnecessary delay, all the information in the possession of the officer pertaining to the child, the
27 child's parents or other persons interested in or likely to be interested in the child and all other
28 facts and circumstances which caused the child to be taken into custody.

29 (b) When any law enforcement officer takes into custody any child as provided in
30 subsection (c) of K.S.A. 38-1527 and amendments thereto, proceedings shall be initiated in
31 accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 *et seq.* and
32 amendments thereto. Any child taken into custody pursuant to the interstate compact on juveniles
33 may be detained in a juvenile detention facility or other secure facility.

34 (c) Whenever a child under the age of 18 years is taken into custody by a law enforcement
35 officer without a court order and is thereafter placed in the custody of a shelter facility, court
36 services officer, juvenile intake and assessment worker, licensed attendant care center or other
37 person as authorized by this code, the facility or person shall have physical custody and provide
38 care and supervision for the child upon written application of the law enforcement officer. The
39 application shall state:

- 40 (1) The name and address of the child, if known;
41 (2) the names and addresses of the child's parents or nearest relatives and persons with
42 whom the child has been residing, if known; and
43 (3) the officer's belief that the child is a child in need of care and that there are reasonable

1 grounds to believe that the circumstances or condition of the child is such that, unless the child is
2 placed in the immediate custody of the shelter facility or other person, it would be harmful to the
3 child.

4 (d) A copy of the application shall be furnished by the facility or person receiving the child
5 to the county or district attorney without unnecessary delay.

6 (e) The shelter facility or other person designated by the court who has custody of the child
7 pursuant to this section shall discharge the child not later than 48 72 hours following admission,
8 excluding Saturdays, Sundays and legal holidays, unless a court has entered an order pertaining
9 to temporary custody or release.

10 (f) In absence of a court order to the contrary, the county or district attorney or the placing
11 law enforcement agency shall have the authority to direct at any time the release of the child.

12 (g) When any law enforcement officer takes into custody any child as provided in
13 subsection (d) of K.S.A. 38-1527, and amendments thereto, the child shall forthwith be delivered
14 to the school in which the child is enrolled, any location designated by the school in which the
15 child is enrolled to address truancy issues or the child's parent or other custodian.

16 Sec. 15. K.S.A. **38-1542**. Ex parte orders of protective custody; probable cause;
17 procedures.

18 (a) The court upon verified application may issue *ex parte* an order directing that a child
19 be held in protective custody and, if the child has not been taken into custody, an order directing
20 that the child be taken into custody. The application shall state:

21 (1) The applicant's belief that the child is a child in need of care and is likely to sustain harm
22 if not immediately afforded protective custody; and

23 (2) the specific facts which are relied upon to support the belief.

24 (b) (1) The order of protective custody may be issued only after the court has determined
25 there is probable cause to believe the allegations in the application are true. The order shall
26 remain in effect until the temporary custody hearing provided for in K.S.A. 38-1543 and
27 amendments thereto, unless earlier rescinded by the court.

28 (2) ~~Prior to July 1, 1993, no~~ *No* child shall be held in protective custody for more than 72
29 hours, excluding Saturdays, Sundays and legal holidays, unless within the 72-hour period a
30 determination is made as to the necessity for temporary custody in a temporary custody hearing.
31 Nothing in this subsection (b)(2) shall be construed to mean that the child must remain in
32 protective custody for 72 hours.

33 ~~(3) On and after July 1, 1993, no child shall be held in protective custody for more than 48~~
34 ~~hours, excluding Saturdays, Sundays and legal holidays, unless within the 48-hour period a~~
35 ~~determination is made as to the necessity for temporary custody in a temporary custody hearing.~~
36 ~~Nothing in this subsection (b)(3) shall be construed to mean that the child must remain in~~
37 ~~protective custody for 48 hours.~~

38 (c) Whenever the court determines the necessity for an order of protective custody, the court
39 may place the child in the protective custody of: (1) A parent or other person having custody of
40 the child and may enter a restraining order pursuant to subsection (d); (2) a person, other than the
41 parent or other person having custody, who shall not be required to be licensed under article 5 of
42 chapter 65 of the Kansas Statutes Annotated; (3) a youth residential facility; or (4) the secretary.
43 When the child is placed in the protective custody of the secretary, the secretary shall have the

1 discretionary authority to place the child with a parent or to make other suitable placement for
2 the child. When circumstances require, a child in protective custody may be placed in a juvenile
3 detention facility or other secure facility pursuant to an order of protective custody for not to
4 exceed 24 hours, excluding Saturdays, Sundays and legal holidays.

5 (d) The order of protective custody shall be served on the child's parents and any other
6 person having legal custody of the child. The order shall prohibit all parties from removing the
7 child from the court's jurisdiction without the court's permission.

8 (e) If the court issues an order of protective custody, the court may also enter an order
9 restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child
10 from residing in the child's home; visiting, contacting, harassing or intimidating the child; or
11 attempting to visit, contact, harass or intimidate the child. Such restraining order shall be served
12 on any alleged perpetrator to whom the order is directed.

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

18 Sec. 16. K.S.A. 38-1543. Orders of temporary custody; notice; hearing; procedure.

19 (a) Upon notice and hearing, the court may issue an order directing who shall have
20 temporary custody and may modify the order during the pendency of the proceedings as will best
21 serve the child's welfare.

22 (b) A hearing hereunder shall be held within 48-72 hours, excluding Saturdays, Sundays
23 and legal holidays, following a child having been taken into protective custody.

24 (c) Whenever it is determined that a temporary custody hearing is required, the court
25 shall immediately set the time and place for the hearing. Notice of a temporary custody hearing
26 shall be in substantially the following form:

27 (Name of Court)

28 (Caption of Case)

29 NOTICE OF TEMPORARY CUSTODY HEARING

30
31 TO:

32 (Names)

(Relationship)

(Addresses)

33 _____
34 _____
35 _____

36
37
38 On _____, _____, 19__, at ___ o'clock __m. the court
39 (day) (date)

40
41 will conduct a hearing at _____ to determine if the above named child or
42 children should be in the temporary custody of some person or agency other than the parent or
43 other person having legal custody prior to the hearing on the petition filed in the above captioned
44 case. The court may order one or both parents to pay child support.

1 _____, an attorney, has been appointed as guardian *ad litem* for the child or children.
2 Each parent or other legal custodian has the right to appear and be heard personally, either with
3 or without an attorney. An attorney will be appointed for a parent who can show that the parent is
4 not financially able to hire one.

5
6 Date _____, 19__ Clerk of the District Court
7 by _____

8
9 (Seal)

10
11
12 **REPORT OF SERVICE**

13 I certify that I have delivered a true copy of the above notice to the persons above named in
14 the manner and at the times indicated below:

15

16 Name	17 Location of Service (other than above)	18 Manner of Service	19 Date	20 Time
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

21
22
23

24 Date Returned _____, 19__

_____ (Signature)

_____ (Title)

25
26
27
28
29
30
31
32 (d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the
33 hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the
34 consent of the party, proceed with the hearing at the designated time. If an order of temporary
35 custody is entered and the parent or other person having custody of the child has not been
36 notified of the hearing, did not appear or waive appearance and requests a rehearing, the court
37 shall rehear the matter without unnecessary delay.

38 (e) Oral notice may be used for giving notice of a temporary custody hearing where there is
39 insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral
40 notice in substantially the following form:

41
42
43 (Name of Court)

44 (Caption of Case)

45 **CERTIFICATE OF ORAL NOTICE OF TEMPORARY CUSTODY HEARING**

1 I gave oral notice that the court will conduct a hearing at ___ o'clock __m. on _____,
2 19__ to the persons listed, in the manner and at the times indicated below:

3
4

5 Name	6 Relationship	7 Date	8 Time	9 Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

10
11

12 I advised each of the above persons that:

- 13 (1) The hearing is to determine if the above child or children should be in the temporary
14 custody of a person or agency other than a parent;
15 (2) the court will appoint an attorney to serve as guardian *ad litem* for the child or
16 children named above;
17 (3) each parent or legal custodian has the right to appear and be heard personally either
18 with or without an attorney;
19 (4) an attorney will be appointed for a parent who can show that the parent is not
20 financially able to hire an attorney; and
21 (5) the court may order one or both parents to pay child support.

22 _____ (Signature) _____ (Name Printed)
23 _____ (Title)

24 (f) The court may enter an order of temporary custody after determining that: (1) The child
25 is dangerous to self or to others; (2) the child is not likely to be available within the jurisdiction
26 of the court for future proceedings; or (3) the health or welfare of the child may be endangered
27 without further care.

28 (g) Whenever the court determines the necessity for an order of temporary custody the court
29 may place the child in the temporary custody of: (1) A parent or other person having custody of
30 the child and may enter a restraining order pursuant to subsection (h); (2) a person, other than the
31 parent or other person having custody, who shall not be required to be licensed under article 5 of
32 chapter 65 of the Kansas Statutes Annotated; (3) a youth residential facility; or (4) the secretary.
33 When the child is placed in the temporary custody of the secretary, the secretary shall have the
34 discretionary authority to place the child with a parent or to make other suitable placement for
35 the child. When circumstances require, a child may be placed in a juvenile detention facility or
36 other secure facility, but the total amount of time that the child may be held in such facility under
37 this section and K.S.A. 38-1542 and amendments thereto shall not exceed 24 hours, excluding
38 Saturdays, Sundays and legal holidays. The order of temporary custody shall remain in effect
39 until modified or rescinded by the court or a disposition order is entered but not exceeding 60
40 days, unless good cause is shown and stated on the record.

41 (h) If the court issues an order of temporary custody, the court may enter an order
42 restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child
43 from residing in the child's home; visiting, contacting, harassing or intimidating the child; or

1 attempting to visit, contact, harass or intimidate the child.

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

7 Sec. 17. K.S.A. **38-1560**. ~~Reserved.~~ *K.S.A. 38-1560 Permanent Guardianship; A*
8 *permanent guardian or guardians.*

9 (a) *may be appointed after a finding of unfitness pursuant to K.S.A. 38-1583 or with the*
10 *consent and agreement of the parents. When parental rights are not terminated, parents remain*
11 *responsible for financial support.*

12 (b) *A permanent guardian may be appointed after termination of parental rights.*

13 (c) *The court may award permanent guardianship to an individual providing care for the*
14 *child, a relative or other person with whom the child has a close emotional attachment. Prior to*
15 *awarding permanent guardianship, the court shall receive and consider an assessment as*
16 *provided in K.S.A. 59-2132 and amendments thereto of any potential permanent guardian.*

17 (d) *Upon appointment of the permanent guardian and issuance of letters of guardianship,*
18 *the court shall enter an order discharging the child from the court's jurisdiction in the pending*
19 *proceedings and the child in need of care action shall be dismissed.*

20 Sec. 18. K.S.A. **38-1561**. The order of disposition may be entered at the time of the
21 adjudication, but shall be entered within 30 days following adjudication, unless delayed for good
22 cause shown. In no case shall a permanency hearing *to determine whether or not a compelling*
23 *reason that neither adoption nor permanent guardianship is in the child's best interest be held*
24 *completed* later than 30 days following a determination that reintegration is not a viable
25 alternative.

26 Sec. 19. K.S.A. **38-1562**. Dispositional hearing. (a) At any time after a child has been
27 adjudicated to be a child in need of care and prior to disposition, the judge shall permit any
28 interested parties, and any persons required to be notified pursuant to subsection (b), to be heard
29 as to proposals for appropriate disposition of the case.

30 (b) Before entering an order placing the child in the custody of a person other than the
31 child's parent, the court shall require notice of the time and place of the hearing to be given to all
32 the child's grandparents at their last known addresses or, if no grandparent is living or if no living
33 grandparent's address is known, to the closest relative of each of the child's parents whose
34 address is known, and to the foster parent, preadoptive parent or relative providing care. Such
35 notice shall be given by restricted mail not less than 10 business days before the hearing and
36 shall state that the person receiving the notice shall have an opportunity to be heard at the
37 hearing. The provisions of this subsection shall not require additional notice to any person
38 otherwise receiving notice of the hearing pursuant to K.S.A. 38-1536 and amendments thereto.
39 Individuals receiving notice pursuant to this subsection shall not be made a party to the action
40 solely on the basis of this notice and opportunity to be heard.

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

1 information from the intake and assessment process; and the evidence received at the
2 dispositional hearing. In determining when reunification is a viable alternative, the court shall
3 specifically consider whether the parent has been found by a court to have: (1) Committed
4 murder in the first degree, K.S.A. 21-3401 and amendments thereto, murder in the second
5 degree, K.S.A. 21-3402 and amendments thereto, capital murder, K.S.A. 21-3439 and
6 amendments thereto, voluntary manslaughter, K.S.A. 21-3403 and amendments thereto or
7 violated a law of another state which prohibits such murder or manslaughter of a child; (2) aided
8 or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of
9 a child as provided in subsection (c)(1); (3) committed a felony battery that resulted in bodily
10 injury to the child or another child; (4) subjected the child or another child to aggravated
11 circumstances as defined in subsection (x) of K.S.A. 38-1502 and amendments thereto; (5)
12 parental rights of the parent to another child have been terminated involuntarily; or (6) the child
13 has been in extended out of home placement as defined in subsection (z) of K.S.A. 38-1502 and
14 amendments thereto. If reintegration is not a viable alternative, the court shall consider whether a
15 compelling reason has been documented in the case plan to find neither adoption nor permanent
16 guardianship are in the best interests of the child, the child is in a stable placement with a
17 relative, or services set out in the case plan necessary for the safe return of the child have been
18 made available to the parent with whom reintegration is planned. If reintegration is not a viable
19 alternative and either adoption or permanent guardianship might be in the best interests of the
20 child, the county or district attorney or the county or district attorney's designee shall file a
21 motion to terminate parental rights or *a motion to establish* a permanent guardianship within 30
22 days and the court shall set a hearing on such motion within 90 days of the filing of such motion.
23 *No such hearing is required when the parents voluntarily relinquish rights or agree to*
24 *appointment of a permanent guardian.*

25 **Sec. 20. K.S.A. 38-1563. Authorized dispositions.**

26 (a) After consideration of any evidence offered relating to disposition, the court may
27 retain jurisdiction and place the child in the custody of the child's parent subject to terms and
28 conditions which the court prescribes to assure the proper care and protection of the child,
29 including supervision of the child and the parent by a court services officer, or may order the
30 child and the parent to participate in programs operated by the secretary or another appropriate
31 individual or agency. The terms and conditions may require any special treatment or care which
32 the child needs for the child's physical, mental or emotional health.

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

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

42 (d) If the court finds that placing the child in the custody of a parent will not assure
43 protection from physical, mental or emotional abuse or neglect or sexual abuse or will not be in

1 the best interests of the child, the court shall enter an order awarding custody of the child, until
2 the further order of the court, to one of the following:

- 3 (1) A relative of the child or a person with whom the child has close emotional ties;
- 4 (2) any other suitable person;
- 5 (3) a shelter facility; or
- 6 (4) the secretary.

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

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

14 (1) The court may recommend to the secretary where the child should be placed.

15 (2) The secretary shall notify the court in writing of any placement of the child or,
16 within 10 days of the order awarding the custody of the child to the secretary, any proposed
17 placement of the child, whichever occurs first.

18 (3) The court may determine if such placement is in the best interests of the child, and if
19 the court determines that such placement is not in the best interests of the child, the court shall
20 notify the secretary who shall then make an alternative placement subject to the procedures
21 established in this paragraph. In determining if such placement is in the best interests of the
22 child, the court, after providing the parties with an opportunity to be heard, shall consider the
23 health and safety needs of the child and the resources available to meet the needs of children in
24 the custody of the secretary.

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

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

32 (h) The court shall not enter an order removing a child from the custody of a parent
33 pursuant to this section unless the court first finds from evidence presented by the petitioner that
34 reasonable efforts have been made to prevent or eliminate the need for removal of the child; *or*
35 *reasonable efforts are not necessary because* reintegration is not a viable alternative; or that an
36 emergency exists which threatens the safety of the child and requires the immediate removal of
37 the child. Reintegration may not be a viable alternative when the: (1) Parent has been found by a
38 court to have committed murder in the first degree, K.S.A. 21-3401 and amendments thereto,
39 murder in the second degree, K.S.A. 21-3402 and amendments thereto, capital murder, K.S.A.
40 21-3439 and amendments thereto, voluntary manslaughter, K.S.A. 21-3403 and amendments
41 thereto or violated a law of another state which prohibits such murder or manslaughter of a child;
42 (2) parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary
43 manslaughter of a child as provided in subsection (h)(1); (3) parent committed a felony battery

1 that resulted in bodily injury to the child or another child; (4) parent has subjected the child or
2 another child to aggravated circumstances as defined in subsection (x) of K.S.A. 38-1502, and
3 amendments thereto; (5) parental rights of the parent to another child have been terminated
4 involuntarily or (6) the child has been in extended out of home placement as defined in
5 subsection (z) of K.S.A. 38-1502 and amendments thereto. Such findings shall be included in
6 any order entered by the court.

7 (i) In addition to or in lieu of any other order authorized by this section, if a child is
8 adjudged to be a child in need of care by reason of a violation of the uniform controlled
9 substances act (K.S.A. 65-4101 *et seq.* and amendments thereto) or K.S.A. 41-719, 41-804,
10 41-2719, 65-4152, 65-4153, 65-4154 or 65-4155, and amendments thereto, the court shall order
11 the child to submit to and complete an alcohol and drug evaluation by a community-based
12 alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments
13 thereto and to pay a fee not to exceed the fee established by that statute for such evaluation. If the
14 court finds that the child and those legally liable for the child's support are indigent, the fee may
15 be waived. In no event shall the fee be assessed against the secretary or the department of social
16 and rehabilitation services.

17 (j) In addition to any other order authorized by this section, if child support has been
18 requested and the parent or parents have a duty to support the child, the court may order one or
19 both parents to pay child support and, when custody is awarded to the secretary, the court shall
20 order one or both parents to pay child support. The court shall determine, for each parent
21 separately, whether the parent is already subject to an order to pay support for the child. If the
22 parent is not presently ordered to pay support for any child who is a ward of the court and the
23 court has personal jurisdiction over the parent, the court shall order the parent to pay child
24 support in an amount determined under K.S.A. 38-1595 and amendments thereto. Except for
25 good cause shown, the court shall issue an immediate income withholding order pursuant to
26 K.S.A. 23-4,105 *et seq.* and amendments thereto for each parent ordered to pay support under
27 this subsection, regardless of whether a payor has been identified for the parent. A parent ordered
28 to pay child support under this subsection shall be notified, at the hearing or otherwise, that the
29 child support order may be registered pursuant to K.S.A. 38-1597 and amendments thereto. The
30 parent shall also be informed that, after registration, the income withholding order may be served
31 on the parent's employer without further notice to the parent and the child support order may be
32 enforced by any method allowed by law. Failure to provide this notice shall not affect the
33 validity of the child support order.

34 (k) *After advising the parents of the consequences and accepting their written*
35 *authorization, the court may appoint a permanent guardian or guardians.*

36 **Sec. 21. K.S.A. 38-1565. Plan for reintegration of child into family or other**
37 **alternative placement; reports by foster parents; inadequacy of plan, commencement of**
38 **proceedings pursuant to this code, hearing; new or modified plan.**

39 (a) If a child is placed outside the child's home and no plan is made a part of the record
40 of the dispositional hearing, a written plan shall be prepared which provides for reintegration of
41 the child into the child's family or, if reintegration is not a viable alternative, for other placement
42 of the child. Reintegration may not be a viable alternative when the: (1) Parent has been found by
43 a court to have committed murder in the first degree, K.S.A. 21-3401 and amendments thereto,

1 murder in the second degree, K.S.A. 21-3402 and amendments thereto, capital murder, K.S.A.
2 21-3439 and amendments thereto, voluntary manslaughter, K.S.A. 21-3403 and amendments
3 thereto or violated a law of another state which prohibits such murder or manslaughter of a child;
4 (2) parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary
5 manslaughter of a child as provided in subsection (a)(1); (3) parent committed a felony battery
6 that resulted in bodily injury to the child or another child; (4) parent has subjected the child or
7 another child to aggravated circumstances as defined in subsection (x) of K.S.A. 38-1502, and
8 amendments thereto; (5) parental rights of the parent to another child have been terminated
9 involuntarily; or (6) the child has been in extended out of home placement as defined in
10 subsection (z) of K.S.A. 38-1502 and amendments thereto. If the goal is reintegration into the
11 family, the plan shall include measurable objectives and time schedules for reintegration. The
12 plan shall be submitted to the court not later than 30 days after the dispositional order is entered.
13 If the child is placed in the custody of the secretary, the plan shall be prepared and submitted by
14 the secretary. If the child is placed in the custody of a facility or person other than the secretary,
15 the plan shall be prepared and submitted by a court services officer.

16 (b) A court services officer or, if the child is in the secretary's custody, the secretary shall
17 submit to the court, at least every six months, a written report of the progress being made toward
18 the goals of the plan submitted pursuant to subsection (a). If the child is placed in foster care, the
19 foster parent or parents shall submit to the court, at least every six months, a report in regard to
20 the child's adjustment, progress and condition. The department of social and rehabilitation
21 services shall notify the foster parent or parents of the foster parent's or parent's duty to submit
22 such report, on a form provided by the department of social and rehabilitation services, at least
23 two weeks prior to the date when the report is due, and the name of the judge and the address of
24 the court to which the report is to be submitted. Such report shall be confidential and shall only
25 be reviewed by the court and the child's guardian ad litem. The court shall review the progress
26 being made toward the goals of the plan and the foster parent report and, if the court determines
27 that progress is inadequate or that the plan is no longer viable, the court shall hold a hearing
28 pursuant to subsection (c). If the secretary has custody of the child, such hearing shall be held no
29 more than 12 months after the child is placed outside the child's home and at least every 12
30 months thereafter. For children in the custody of the secretary prior to July 1, 1998, within 30
31 days of receiving a request from the secretary, a permanency hearing shall be held. If the goal of
32 the plan submitted pursuant to subsection (a) is reintegration into the family and the court
33 determines after 12 months from the time such plan is first submitted that progress is inadequate,
34 the court shall hold a hearing pursuant to subsection (c). Nothing in this subsection shall be
35 interpreted to prohibit termination of parental rights prior to the expiration of 12 months.

36 (c) Whenever a hearing is required under subsection (b), the court shall notify all interested
37 parties and the foster parents, preadoptive parents or relatives providing care for the child and
38 hold a hearing. Individuals receiving notice pursuant to this subsection shall not be made a party
39 to the action solely on the basis of this notice and opportunity to be heard. After providing the
40 interested parties, foster parents, preadoptive parents or relatives providing care for the child an
41 opportunity to be heard, the court shall determine whether the child's needs are being adequately
42 met and whether reintegration continues to be a viable alternative. If the court finds reintegration
43 is no longer a viable alternative, the court shall consider whether the child is in a stable

1 placement with a relative, services set out in the case plan necessary for the safe return of the
2 child have been made available to the parent with whom reintegration is planned or *other*
3 compelling reasons are documented in the case plan to support a finding that neither adoption nor
4 permanent guardianship are in the child's best interest. If reintegration is not a viable alternative
5 and either adoption or permanent guardianship might be in the best interests of the child, the
6 county or district attorney or the county or district attorney's designee shall file a motion to
7 terminate parental rights or *a motion to establish* a permanent guardianship within 30 days and
8 the court shall set a hearing on such motion within 90 days of the filing of such motion. When
9 the court finds reintegration continues to be a viable alternative, the court *shall set a date for the*
10 *child to be returned home*; may rescind any of its prior dispositional orders and enter any
11 dispositional order authorized by this code or may order that a new plan for the reintegration *on*
12 *the date set* be prepared and submitted to the court.

13 Sec. 22. K.S.A. **38-1581. Request for termination or permanent guardianship.** (a)
14 Either in the petition filed under this code or in a motion made in proceedings under this code,
15 any interested party may request that either or both parents be found unfit and the parental rights
16 of either or both parents be terminated or a permanent guardianship be appointed.

17 (b) Whenever a pleading is filed requesting termination of parental rights, the pleading
18 shall contain a statement of specific facts which are relied upon to support the request, including
19 dates, times and locations to the extent known.

20 (c) The county or district attorney or the county or district attorney's designee shall file
21 pleadings alleging a parent is unfit and requesting termination of parental rights or *the*
22 *establishment of a* permanent guardianship within 30 days after the court has determined
23 reintegration is not a viable alternative *unless the court* ~~and~~ ~~has not~~ found a compelling reason
24 why adoption or permanent guardianship may *not* be in the best interest of the child. The court
25 shall set a hearing on such pleadings and matters within 90 days of the filing of such pleadings.

26 Sec. 23. K.S.A. **38-1583. Considerations in termination of parental rights.** (a) When
27 the child has been adjudicated to be a child in need of care, the court may terminate parental
28 rights *or appoint a permanent guardian* when the court finds by clear and convincing evidence
29 that the parent is unfit by reason of conduct or condition which renders the parent unable to care
30 properly for a child and the conduct or condition is unlikely to change in the foreseeable future.

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

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

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

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

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

39 (5) conviction of a felony and imprisonment;

40 (6) unexplained injury or death of another child or stepchild of the parent;

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

43 (8) lack of effort on the part of the parent to adjust the parent's circumstances, conduct or

1 conditions to meet the needs of the child.

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

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

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

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

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

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

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

18 (e) The existence of any one of the above standing alone may, but does not necessarily,
19 establish grounds for termination of parental rights. The determination shall be based on an
20 evaluation of all factors which are applicable. In considering any of the above factors for
21 terminating the rights of a parent, the court shall give primary consideration to the physical,
22 mental or emotional condition and needs of the child. If presented to the court and subject to the
23 provisions of K.S.A. 60-419, and amendments thereto, the court shall consider as evidence
24 testimony from a person licensed to practice medicine and surgery, a licensed psychologist or a
25 licensed social worker expressing an opinion relating to the physical, mental or emotional
26 condition and needs of the child. The court shall consider any such testimony only if the licensed
27 professional providing such testimony is subject to cross-examination.

28 (f) A termination of parental rights under the Kansas code for care of children shall not
29 terminate the right of the child to inherit from or through the parent. Upon such termination, all
30 the rights of birth parents to such child, including their right to inherit from or through such
31 child, shall cease.

32 (g) If, after finding the parent unfit, the court determines a compelling reason why it is not
33 in the best interests of the child to terminate parental rights *or upon agreement of the parents*, the
34 court may award permanent guardianship.

35 (h) If a parent is convicted of an offense as provided in subsection (7) of K.S.A. 38-1585
36 and amendments thereto or is adjudicated a juvenile offender because of an act which if
37 committed by an adult would be an offense as provided in subsection (7) of K.S.A. 38-1585 and
38 amendments thereto, and if the victim was the other parent of a child, the court may disregard
39 such convicted or adjudicated parent's opinions or wishes in regard to the placement of such
40 child.

41 **Sec. 24. K.S.A. 38-1591. Appeals; procedure.** (a) An appeal may be taken by any
42 interested party from any adjudication, disposition, termination of parental rights or order of
43 temporary custody in any proceedings pursuant to this code.

1 (b) An appeal from an order entered by a district magistrate judge shall be to a district
2 judge. The appeal shall be heard within 30 days from the date the notice of appeal is filed. If no
3 record was made of the proceedings, the trial shall be de novo.

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

6 (d) Notwithstanding any other provision of law to the contrary, appeals under this
7 section shall have priority over all other cases.

8 (e) *All notice of appeals, docketing statements, and briefs shall be verified by the*
9 *interested party. Failure for said documents to be verified shall result in the dismissal of the*
10 *appeal.*

11 ~~Sec. 25. K.S.A. 38-1604(d) Effective July 1, 1999, if a juvenile is adjudicated a juvenile~~
12 ~~offender and has previously been adjudicated a child in need of care, the Kansas juvenile justice~~
13 ~~code shall apply to such juvenile and the Kansas code for care of children shall suspend during~~
14 ~~the time of jurisdiction pursuant to the Kansas juvenile justice code. Prior to July 1, 1999, the~~
15 ~~court may apply the provisions of either code to a juvenile adjudicated under both codes. Nothing~~
16 ~~in this subsection shall preclude such juvenile offender from accessing services provided by the~~
17 ~~department of social and rehabilitation services or any other state agency if such juvenile is~~
18 ~~eligible for such services.~~

19 *(1) If a juvenile offender, at the time of sentencing, is in an out of home placement in the*
20 *custody of the secretary of social and rehabilitation services under the Kansas code for care of*
21 *children code, the sentencing court may order the continued placement of the juvenile as a child*
22 *in need of care unless the offender was adjudicated for a felony or a second, or subsequent,*
23 *misdemeanor. If the adjudication was for a felony or a second, or subsequent misdemeanor, the*
24 *continued placement cannot be ordered unless the court finds there are compelling*
25 *circumstances which require, in the best interest of the juvenile, that the placement should be*
26 *continued. In considering whether compelling circumstances exist, the court shall consider the*
27 *reports and recommendations of the foster placement, the contract provider, the secretary of*
28 *social and rehabilitation services, the presentence investigation and all other relevant factors. If*
29 *the foster placement refuses to continue the juvenile in the foster placement the court shall not*
30 *order continued placement as a child in need of care.*

31 *(2) The Kansas Code for Care of Children shall apply when necessary to carry out the*
32 *provisions of subsection (d) of K.S.A. 38-1644, and amendments thereto.*

33 ~~(2) (3) If a placement with the secretary of social and rehabilitation services is continued~~
34 ~~after sentencing, the secretary shall not be responsible for any costs of sanctions imposed under~~
35 ~~this code.~~

36 ~~(3) (4) If such a juvenile offender is placed in the custody of the juvenile justice authority,~~
37 ~~the secretary of social and rehabilitation services shall not be responsible for furnishing services~~
38 ~~ordered in the child in need of care proceeding during the time of the placement pursuant to the~~
39 ~~Kansas juvenile justice code. Nothing in this subsection shall preclude such juvenile offender~~
40 ~~from accessing services provided by the department of social and rehabilitation services or any~~
41 ~~other state agency if such juvenile is eligible for such services.~~

42 Sec. 26. K.S.A. 1998 Supp. 38-1664 is hereby amended to read as follows: 38-1664. (a)
43 Prior to placing a juvenile offender in the custody of the commissioner and recommending

1 out-of-home placement, the court shall consider and determine that, where consistent with the
2 need for protection of the community:

3 (1) Reasonable efforts have been made to prevent or eliminate the need for out-of-home
4 placement or reasonable efforts are not possible due to an emergency threatening the safety of the
5 juvenile offender or the community; and

6 (2) out-of-home placement is in the best interests of the juvenile offender.

7 (b) When a juvenile offender has been placed in the custody of the commissioner, the
8 commissioner shall notify the court in writing of the initial placement of the juvenile offender as
9 soon as the placement has been accomplished. The court shall have no power to direct a
10 specific placement by the commissioner, but may make recommendations to the commissioner.
11 The commissioner may place the juvenile offender in an institution operated by the
12 commissioner, a youth residential facility or a community mental health center. If the court has
13 recommended an out-of-home placement, the commissioner may not return the juvenile offender
14 to the home from which removed without first notifying the court of the plan.

15 (c) During the time a juvenile offender remains in the custody of the commissioner, the
16 commissioner shall report to the court at least each six months as to the current living
17 arrangement and social and mental development of the juvenile offender.

18 (d) If the juvenile offender is placed outside the juvenile offender's home, a *permanency*
19 hearing shall be held not more than ~~18~~ 12 months after the juvenile offender is placed outside the
20 juvenile offender's home and, if reintegration is a viable alternative, every 12 months thereafter.
21 *The court may appoint a guardian ad litem to represent the juvenile offender at the permanency*
22 *hearing. Juvenile offenders who have been in extended out of home placement, as defined in*
23 *K.S.A. 38-1502 shall be provided a permanency hearing within 30 days of a request from the*
24 *commissioner. If reintegration is not a viable alternative and either adoption or permanent*
25 *guardianship might be in the best interests of the juvenile offender the county or district attorney*
26 *shall file a petition alleging the juvenile is a child in need of care and requesting termination of*
27 *parental rights or the appointment of a permanent guardian pursuant to the Kansas code for*
28 *care of children. If the juvenile offender is placed in foster care, the foster parent or parents shall*
29 *submit to the court, at least every six months, a report in regard to the juvenile offender's*
30 *adjustment, progress and condition. The juvenile justice authority shall notify the foster parent or*
31 *parents of the foster parents' or parent's duty to submit such report, on a form provided by the*
32 *juvenile justice authority, at least two weeks prior to the date when the report is due, and the*
33 *name of the judge and the address of the court to which the report is to be submitted. Such report*
34 *shall be confidential and shall only be reviewed by the court and the child's attorney.*

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

_____, Case No. _____

DATE OF BIRTH: _____

A ___ MALE ___ FEMALE UNDER 18 YEARS OF AGE

ORDER APPOINTING PERMANENT GUARDIAN

PURSUANT TO CHAPTER 38, ARTICLE 15 OF THE KANSAS STATUTES ANNOTATED

Now on this ___ day of _____, _____, the Motion for Permanent Guardianship comes on for hearing. The state appears by _____, _____ County(District) Attorney. The child appears (in person and) (not in person, but) by _____, guardian ad litem. The father appears (in person and)(not in person, but) by his attorney, _____. The mother appears (in person and)(not in person, but) by her attorney, _____. The proposed guardian appears in person and by _____. While not a party, the Secretary appears through _____. The Court having jurisdiction, venue being properly placed, all necessary parties having been properly notified, said child having been adjudicated in need of care, finds the matter ripe for hearing.

Thereupon the following evidence is presented: _____

and an assessment as provided in K.S.A. 59-2132.

Thereupon, the Court, after reviewing the file and evidence presented, listening to statements of counsel and interested parties, and being fully advised in the premises, finds that _____

ORDER APPOINTING PERMANENT GUARDIAN

In the Interest of _____

Page 2 of 5

_____, mother of _____, a minor child, is unfit and said conduct

or condition is unlikely to change in the foreseeable future for the following reasons:

- ___ 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;
- ___ conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;
- ___ excessive use of intoxicating liquors or narcotic or dangerous drugs;
- ___ physical, mental or emotional neglect of the child;
- ___ conviction of a felony and imprisonment;
- ___ unexplained injury or death of another child or stepchild of the parent;
- ___ reasonable efforts by appropriate public or private child caring agencies have been unable to rehabilitate the family;
- ___ 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;
- ___ have abandoned the child/ren or the child/ren was/were 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 was found;
- ___ and the child is not in the physical custody of the parent and the parent has:
 - ___ failed to assure care of the child in the parental home when able to do so;
 - ___ failed to maintain regular visitation, contact or communication with the child or with the custodian of the child;
 - ___ failed to carry out a reasonable plan approved by the court directed toward the integration of the child into the parental home; and
 - ___ failed to pay a reasonable portion of the cost of substitute physical care and maintenance based on ability to pay.

ORDER APPOINTING PERMANENT GUARDIAN

In the Interest of _____

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In making the above determination, the court has disregarded incidental visitations, contacts, communications or contributions.

Specifically the court finds as follows: _____

Thereupon, the Court, after reviewing the file and evidence presented, listening to statements of counsel and interested parties, and being fully advised in the premises, finds that _____, father of _____, a minor child, is unfit and said conduct or condition is unlikely to change in the foreseeable future for the following reasons:

- ___ 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;
- ___ conduct toward a child of a physically, emotionally or sexually cruel or abusive nature;
- ___ excessive use of intoxicating liquors or narcotic or dangerous drugs;
- ___ physical, mental or emotional neglect of the child;
- ___ conviction of a felony and imprisonment;
- ___ unexplained injury or death of another child or stepchild of the parent;
- ___ reasonable efforts by appropriate public or private child caring agencies have been unable to rehabilitate the family;
- ___ 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;
- ___ have abandoned the child or the child was left under such circumstances that

ORDER APPOINTING PERMANENT GUARDIAN

In the Interest of _____

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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/ren was/were found;

_____ and the child is not in the physical custody of the parent and the parent has:

_____ failed to assure care of the child in the parental home when able to do so;

_____ failed to maintain regular visitation, contact or communication with the child or with the custodian of the child;

_____ failed to carry out a reasonable plan approved by the court directed toward the integration of the child into the parental home; and

_____ failed 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 has disregarded incidental visitations, contacts, communications or contributions.

Specifically the court finds as follows: _____

Thereupon, the Court finds that all reasonable efforts to reintegrate this child into the home of either parent having failed, it is in the best interests of this child to appoint a permanent guardian.

The Court having considered the assessment submitted and the relationship between the child and

the proposed permanent guardian finds _____ to be a fit and proper person to

be appointed permanent guardian for _____.

_____ shall be permanent guardian of the persons and estate of said child

with power and authority to make decisions on behalf of _____ and to stand

in loco parentis to _____ and to exercise all the rights and responsibilities of

ORDER APPOINTING PERMANENT GUARDIAN

In the Interest of _____

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a parent through out his(her) minority.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the findings herein above made should be and are hereby incorporated in this Order as if fully set forth herein.

IT IS SO ORDERED BY THE COURT.

Judge

APPROVED:

Petitioner

Guardian ad Litem

Attorney for Mother

Attorney for Father

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

DATE OF BIRTH: _____ Case No _____
A MALE ___ FEMALE ___ UNDER 18 YEARS OF AGE

LETTERS OF PERMANENT GUARDIANSHIP

PURSUANT TO CHAPTER 38, ARTICLE 15 OF THE KANSAS STATUTES ANNOTATED

KNOW ALL BY THESE PRESENTS:

That _____ having been appointed and having qualified as permanent guardian for _____ said _____ is hereby granted Letters of Permanent Guardianship with full power and authority to stand in loco parentis and to exercise all the rights and responsibilities of a parent for _____ throughout his/her childhood.

IN TESTIMONY WHEREOF, I the undersigned, Judge of the District Court in and for _____, County, Kansas, have hereunto subscribed my name and affixed the seal of said Court this _____ day of _____, _____.

Judge

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF _____

Case No. _____

DATE OF BIRTH: _____
A _ MALE _ FEMALE UNDER 18 YEARS OF AGE

OATH OF PERMANENT GUARDIAN

PURSUANT TO CHAPTER 38, ARTICLE 15 OF KANSAS STATUTES ANNOTATED

STATE OF KANSAS }
COUNTY OF _____ } ss:

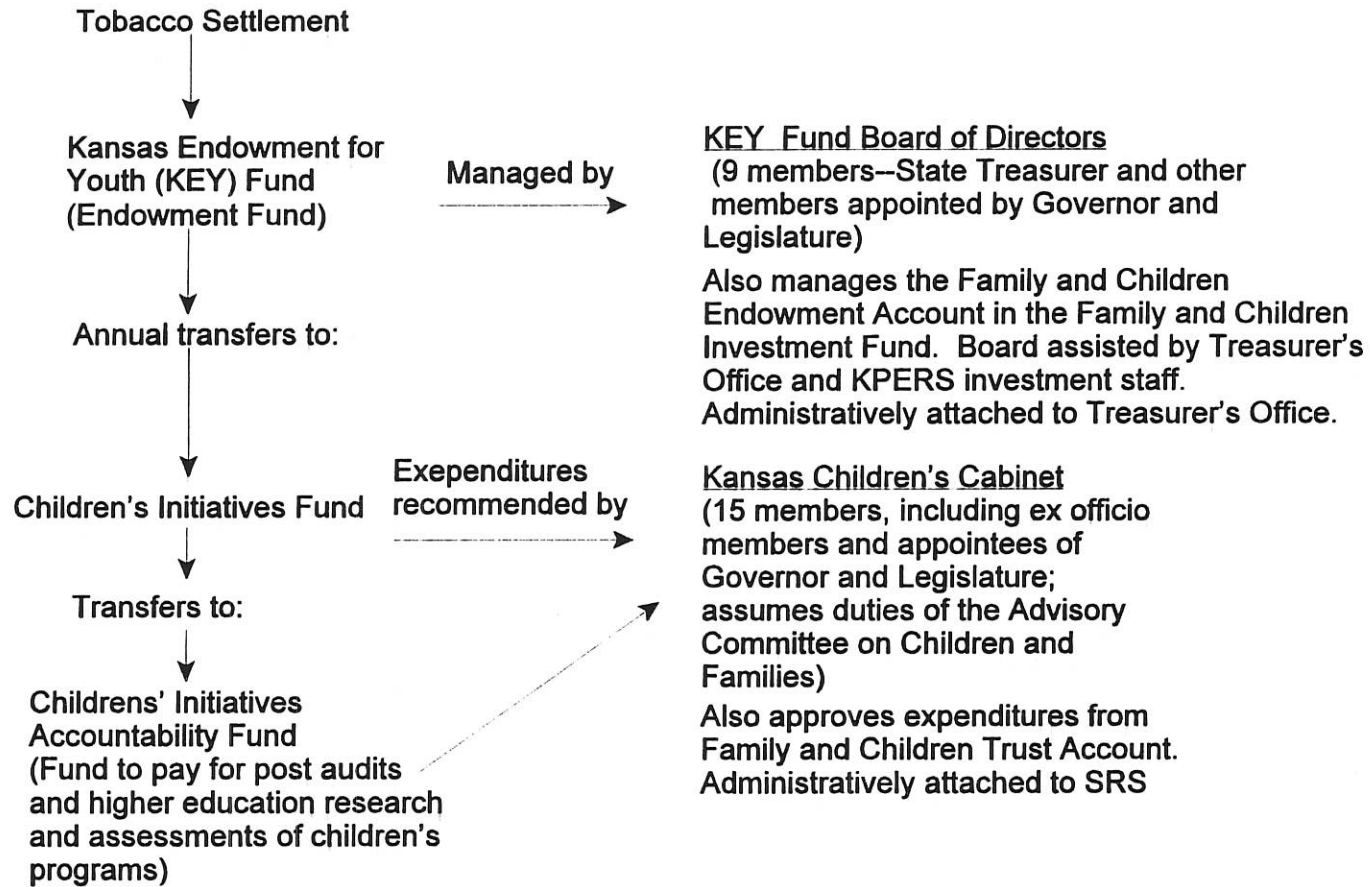
I, _____, do solemnly swear that I will faithfully and impartially and to the best of my ability discharge all the duties of my trust as permanent guardian for _____ and that I am acting on my own behalf and fully understand that as permanent guardian I stand in loco parentis and exercise all the rights and responsibilities of parent for _____ until _____ reaches the age of 18.:

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

HB 2558 as Amended



Senate Ways and Means Committee
 Date 4/30/99
 Attachment # 4

DRAFT SENATE Substitute for HOUSE BILL NO. 2558

1 AN ACT concerning the disposition of certain moneys for the
2 benefit of children; disposition of tobacco litigation
3 settlement proceeds; creating the Kansas endowment for youth
4 fund, the children's initiatives fund and the children's
5 initiatives accountability fund; establishing the Kansas
6 children's cabinet; prescribing certain powers, duties and
7 functions; providing for the investment and management of such
8 funds; abolishing the children's health care programs fund;
9 amending K.S.A. 75-7021 and K.S.A. 1998 Supp. 20-367, 38-1808
10 and 38-1901 and repealing the existing sections; also
11 repealing K.S.A. 1998 Supp. 38-2008.

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

13 New Section 1. (a) There is hereby established in the state
14 treasury the Kansas endowment for youth fund which shall
15 constitute a trust fund and shall be invested, managed and
16 administered in accordance with the provisions of this act by the
17 board of trustees of the Kansas public employees retirement
18 system established by K.S.A. 74-4905 and amendments thereto.

19 (b) All of the moneys received by the state pursuant to the
20 tobacco litigation settlement agreements entered into by the
21 attorney general on behalf of the state of Kansas, or pursuant to
22 any judgment rendered, regarding the litigation against tobacco
23 industry companies and related entities, shall be deposited in
24 the state treasury and credited to the Kansas endowment for youth
25 fund. All such moneys shall constitute an endowment which shall
26 remain credited to the Kansas endowment for youth fund except as
27 provided in this section or in section 2 and amendments thereto
28 for transfers to the children's initiatives fund. Expenditures
29 may be made from the Kansas endowment for youth fund for the
30 payment of the operating expenses of the Kansas children's
31 cabinet and the board of trustees, including the expenses of
32 investing and managing the moneys, which are attributable to the
33 Kansas endowment for youth fund. All moneys credited to the
34 Kansas endowment for youth fund shall be invested to provide an
35 ongoing source of investment earnings available for periodic
36 transfer to the children's initiatives fund in accordance with
37 this act. All expenditures from the Kansas endowment for youth
38 fund shall be made in accordance with appropriation acts upon

1 warrants of the director of accounts and reports issued pursuant
2 to vouchers approved by the chairperson of the board of trustees
3 of the Kansas public employees retirement system or by the
4 chairperson's designee.

5 (c) On the effective date of this act, the director of
6 accounts and reports shall transfer all moneys credited to the
7 children's health care programs fund to the Kansas endowment for
8 youth fund and the children's health care programs fund is hereby
9 abolished. On and after July 1, 1999, whenever the children's
10 health care programs fund, or words of like effect, is referred
11 to or designated by statute, contract or other document, such
12 reference or designation shall be deemed to apply to the Kansas
13 endowment for youth fund.

14 New Sec. 2. (a) There is hereby established in the state
15 treasury the children's initiatives fund which shall be
16 administered in accordance with this section and the provisions
17 of appropriation acts.

18 (b) All moneys credited to the children's initiatives fund
19 shall be used for the purposes of providing additional funding
20 for programs, projects, improvements, services and other purposes
21 directly or indirectly beneficial to the physical and mental
22 health, welfare, safety and overall well-being of children in
23 Kansas as provided by appropriation or other acts of the
24 legislature. In allocating or appropriating moneys in the
25 children's initiatives fund, the legislature shall emphasize
26 programs and services that are data-driven and outcomes-based and
27 may emphasize programs and services that are generally directed
28 toward improving the lives of children and youth by combating
29 community-identified risk factors associated with children and
30 youth becoming involved in juvenile delinquency. Programs funded
31 must have a clearly articulated objective to be achieved with any
32 funds received. As a condition precedent to funding, every
33 program must demonstrate that the program's design is supported
34 by credible research, that the program as implemented will
35 constitute best practices in the field, that data is available to

1 benchmark the program's desired outcomes and that an evaluation
2 and assessment component is part of the program design and that
3 such evaluation is capable of determining program performance,
4 needed program modifications to enhance performance, ways in
5 which the program could be modified for transfer to other venues,
6 and when performance no longer justifies funding.
7 Community-based programs must demonstrate the availability of
8 sufficient community leadership and the capacity to appropriately
9 implement and administer the program that is funded. Programs
10 which require community mobilization to successfully achieve
11 program objectives must demonstrate a specific strategy to obtain
12 the requisite levels of community mobilization. Moneys allocated
13 or appropriated from the children's initiatives fund shall not be
14 used to replace or substitute for moneys appropriated from the
15 state general fund in the immediately preceding fiscal year.

16 (c) All expenditures from the children's initiatives fund
17 shall be made in accordance with appropriation acts upon warrants
18 of the director of accounts and reports issued pursuant to
19 vouchers approved in the manner prescribed by law.

20 (d) (1) On July 1, 1999, or as soon thereafter as moneys are
21 available, the director of accounts and reports shall transfer,
22 in the following order of priority, (A) first, \$70,740,000 from
23 the Kansas endowment for youth fund to the state general fund and
24 (B) second, \$30,000,000 from the Kansas endowment for youth fund
25 to the children's initiatives fund.

26 (2) On July 1, 2001, or as soon thereafter as moneys are
27 available, the director of accounts and reports shall transfer
28 \$40,000,000 from the Kansas endowment for youth fund to the
29 children's initiatives fund and shall transfer \$10,000,000 from
30 the Kansas endowment for youth fund to the state general fund.

31 (3) On July 1, 2002, or as soon thereafter as moneys are
32 available, the director of accounts and reports shall transfer
33 \$45,000,000 from the Kansas endowment for youth fund to the
34 children's initiatives fund.

35 (4) On July 1 of each fiscal year thereafter, or as soon

1 thereafter as moneys are available, the director of accounts and
2 reports shall transfer from the Kansas endowment for youth fund
3 to the children's initiatives fund the amount equal to 102.5% of
4 the amount transferred from the Kansas endowment for youth fund
5 to the children's initiatives fund pursuant to this section
6 during the immediately preceding fiscal year.

7 (5) If the amounts to be received during any fiscal year
8 under the tobacco litigation settlement agreements entered into
9 by the attorney general on behalf of the state of Kansas, or
10 pursuant to any judgment rendered, regarding the litigation
11 against tobacco industry companies and related entities, are
12 reduced or increased from the amount that was anticipated to be
13 received for such fiscal year, as of the time the settlement
14 agreements were entered into, then the legislature may adjust the
15 amount otherwise provided by this subsection to be transferred
16 from the Kansas endowment for youth fund to the children's
17 initiatives fund for such fiscal year by including provisions in
18 appropriation acts for such fiscal year that proportionally
19 reduce or increase, as appropriate, the amount otherwise provided
20 by this subsection to be transferred from the Kansas endowment
21 for youth fund to the children's initiatives fund for such fiscal
22 year. In addition, for purposes of circumstances related to the
23 investment of moneys in the Kansas endowment for youth fund or
24 other circumstances or matters deemed sufficient by the
25 legislature, the legislature may adjust the amount otherwise
26 provided by this subsection to be transferred from the Kansas
27 endowment for youth fund to the children's initiatives fund for
28 any fiscal year by including provisions in appropriation acts for
29 such fiscal year that proportionally reduce or increase, as
30 appropriate, the amount otherwise provided by this subsection to
31 be transferred from the Kansas endowment for youth fund to the
32 children's initiatives fund for such fiscal year.

33 (e) It is the intent of the legislature that, except as
34 provided by this section, no amounts shall be transferred from
35 the Kansas endowment for youth fund to the children's initiatives

1 fund or to any other fund during any state fiscal year.

2 (f) On or before the 10th day of each month, the director of
3 accounts and reports shall transfer from the state general fund
4 to the Kansas endowment for youth fund interest earnings based on
5 (1) the average daily balance of moneys in the children's
6 initiatives fund for the preceding month and (2) the net earnings
7 rate of the pooled money investment portfolio for the preceding
8 month.

9 New Sec. 3. (a) The Kansas children's cabinet established by
10 K.S.A. 1998 Supp. 38-1901 and amendments thereto shall advise the
11 governor and the legislature regarding the uses of the moneys
12 credited to the children's initiatives fund.

13 (b) The Kansas children's cabinet shall review, assess and
14 evaluate all uses of the moneys in the children's initiatives
15 fund. The Kansas children's cabinet shall study and shall
16 initiate studies, assessments and evaluations, by contract or
17 otherwise, through institutions of higher education and other
18 appropriate research entities to identify best practices and to
19 measure and otherwise determine the efficiency and efficacy of
20 practices that are utilized in programs, projects, improvements,
21 services and other purposes for which moneys are allocated or
22 appropriated from the children's initiatives fund. The costs of
23 such reviews, assessments and evaluations shall be paid from the
24 children's initiatives accountability fund.

25 (c) There shall be conducted performance audits and other
26 audit work by the legislative post auditor upon request by the
27 Kansas children's cabinet and as directed by the legislative post
28 audit committee in accordance with the provisions of the
29 legislative post audit act. The purpose of such performance
30 audits and other audit work shall be to provide interested
31 parties with the program evaluation and research needed to make
32 informed decisions for the uses of moneys credited to the
33 children's initiatives fund. The auditor to conduct such
34 performance audit or other audit work shall be specified in
35 accordance with K.S.A. 46-1122 and amendments thereto and if the

1 legislative post audit committee specifies under such statute
2 that a firm, as defined by K.S.A. 46-1112 and amendments thereto,
3 is to perform all or part of the audit work of such audit, such
4 firm shall be selected and shall perform such audit work as
5 provided in K.S.A. 46-1123 and amendments thereto and K.S.A.
6 46-1125 through 46-1127 and amendments thereto. The audit work
7 required pursuant to this subsection shall be conducted in
8 accordance with generally accepted governmental auditing
9 standards. The post auditor shall compute the reasonably
10 anticipated cost of the audit work performed by a firm for such
11 performance audit or other audit work pursuant to this
12 subsection, subject to review and approval by the contract audit
13 committee established by K.S.A. 46-1120 and amendments thereto,
14 and the Kansas children's cabinet shall pay such cost from the
15 children's initiatives accountability fund. If all or part of
16 the audit work for such performance audit or other audit work is
17 performed by the division of post audit and the division of post
18 audit incurs costs in addition to those attributable to the
19 operations of the division of post audit in the performance of
20 other duties and responsibilities, the post auditor shall charge
21 the Kansas children's cabinet for such additional costs and the
22 Kansas children's cabinet shall pay such charges from the
23 children's initiatives accountability fund. The payment of any
24 such costs and any such charges shall be a transaction between
25 the division of post audit and the Kansas children's cabinet and
26 such transaction shall be settled in accordance with the
27 provisions of K.S.A. 75-5516 and amendments thereto. All moneys
28 received by the division of post audit for such costs and charges
29 shall be credited to the audit services fund.

30 (d) There is hereby established in the state treasury the
31 children's initiatives accountability fund which shall be
32 administered in accordance with this section and the provisions
33 of appropriation acts. The governor shall recommend and the
34 legislature shall provide for moneys to be credited annually to
35 the children's initiatives accountability fund by transfers or

1 other provisions of appropriation acts.

2 (e) All moneys credited to the children's initiatives
3 accountability fund shall be used for the purposes of providing
4 funding for assessment and evaluation of programs, projects,
5 improvements, services and other purposes for which moneys are
6 allocated or appropriated from the children's initiatives fund.
7 All expenditures from the children's initiatives accountability
8 fund shall be made in accordance with appropriation acts upon
9 warrants of the director of accounts and reports issued pursuant
10 to vouchers approved in the manner prescribed by law.

11 (f) On or before the 10th day of each month, the director of
12 accounts and reports shall transfer from the state general fund
13 to the Kansas endowment for youth fund interest earnings based on
14 (1) the average daily balance of moneys in the children's
15 initiatives accountability fund for the preceding month and (2)
16 the net earnings rate of the pooled money investment portfolio
17 for the preceding month.

18 New Sec. 4. (a) The board of trustees is responsible for the
19 management and investment of the fund and shall discharge the
20 board's duties with respect to the fund solely in the interests
21 of the beneficiaries of the fund for the exclusive purpose of
22 providing investment revenue for the purposes for which the
23 moneys may be used and defraying reasonable expenses of
24 administering the fund and shall invest and reinvest moneys in
25 the fund and acquire, retain, manage, including the exercise of
26 any voting rights and disposal of investments of the fund within
27 the limitations and according to the powers, duties and purposes
28 as prescribed by this section.

29 (b) Moneys in the fund shall be invested and reinvested to
30 achieve the investment objective which is preservation of the
31 fund to provide benefits to the beneficiaries of the fund and
32 accordingly providing that the moneys are as productive as
33 possible, subject to the standards set forth in this act. No
34 moneys in the fund shall be invested or reinvested if the sole or
35 primary investment objective is for economic development or

1 social purposes or objectives.

2 (c) In investing and reinvesting moneys in the fund and in
3 acquiring, retaining, managing and disposing of investments of
4 the fund, the board of trustees shall exercise the judgment,
5 care, skill, prudence and diligence under the circumstances then
6 prevailing, which persons of prudence, discretion and
7 intelligence acting in a like capacity and familiar with such
8 matters would use in the conduct of an enterprise of like
9 character and with like aims by diversifying the investments of
10 the fund so as to minimize the risk of large losses, unless under
11 the circumstances it is clearly prudent not to do so, and not in
12 regard to speculation but in regard to the permanent disposition
13 of similar funds, considering the probable income as well as the
14 probable safety of their capital.

15 (d) In the discharge of such management and investment
16 responsibilities the board of trustees may contract for the
17 services of one or more professional investment advisors or other
18 consultants in the management and investment of moneys in the
19 fund and otherwise in the performance of the duties of the board
20 of trustees under this act.

21 (e) The board of trustees shall require that each person
22 contracted with under subsection (d) to provide services shall
23 obtain commercial insurance which provides for errors and
24 omissions coverage for such person in an amount to be specified
25 by the board of trustees. The amount of such coverage specified
26 by the board of trustees shall be at least the greater of
27 \$500,000 or 1% of the funds entrusted to such person up to a
28 maximum of \$10,000,000. The board of trustees shall require a
29 person contracted with under subsection (d) to provide services
30 give a fidelity bond in a penal sum as may be fixed by law or, if
31 not so fixed, as may be fixed by the board of trustees, with
32 corporate surety authorized to do business in this state. Such
33 persons contracted with the board of trustees pursuant to
34 subsection (d) and any persons contracted with such persons to
35 perform the functions specified in subsection (b) shall be deemed

1 to be fiduciary agents of the board of trustees in the
2 performance of contractual obligations.

3 (f) (1) Subject to the objective set forth in subsection (b)
4 and the standards set forth in subsection (c), the board of
5 trustees shall formulate and adopt policies and objectives for
6 the investment and reinvestment of moneys in the fund and the
7 acquisition, retention, management and disposition of investments
8 of the fund. Such policies and objectives shall be in writing and
9 shall include:

10 (A) Specific asset allocation standards and objectives;

11 (B) establishment of criteria for evaluating the risk versus
12 the potential return on a particular investment; and

13 (C) a requirement that all investment advisors, and any
14 managers or others with similar duties and responsibilities as
15 investment advisors, shall immediately report all instances of
16 default on investments to the board of trustees and provide such
17 board of trustees with recommendations and options, including,
18 but not limited to, curing the default or withdrawal from the
19 investment.

20 (2) The board of trustees shall review such policies and
21 objectives, make changes considered necessary or desirable and
22 readopt such policies and objectives on an annual basis.

23 (g) (1) Except as provided in subsection (d) and this
24 subsection, the custody of money and securities of the fund shall
25 remain in the custody of the state treasurer, except that the
26 board of trustees may arrange for the custody of such money and
27 securities as it considers advisable with one or more member
28 banks or trust companies of the federal reserve system or with
29 one or more banks in the state of Kansas, or both, to be held in
30 safekeeping by the banks or trust companies for the collection of
31 the principal and interest or other income or of the proceeds of
32 sale.

33 (2) The state treasurer and the board of trustees shall
34 collect the principal and interest or other income of investments
35 or the proceeds of sale of securities in the custody of the state

1 treasurer and shall pay such moneys when so collected into the
2 state treasury to the credit of the fund.

3 (3) The principal and interest or other ~~income~~ or the
4 proceeds of sale of securities as provided in paragraph (1) of
5 this subsection shall be reported to the state treasurer and the
6 board of trustees and credited to the fund.

7 (h) All interest or other income of the investments of the
8 moneys in the fund, after payment of any management fees, shall
9 be considered income of the fund and shall be deposited in the
10 state treasury to the credit of the fund.

11 (i) As used in this section:

12 (1) "Board of trustees" means the board of trustees of the
13 Kansas public employees retirement system established by K.S.A.
14 74-4905 and amendments thereto.

15 (2) "Fiduciary" means a person who, with respect to the
16 fund, is a person who:

17 (A) Exercises any discretionary authority with respect to
18 administration of the fund;

19 (B) exercises any authority to invest or manage assets of
20 the fund or has any authority or responsibility to do so;

21 (C) provides investment advise for a fee or other direct or
22 indirect compensation with respect to the assets of the fund or
23 has any authority or responsibility to do so;

24 (D) provides actuarial, accounting, auditing, consulting,
25 legal or other professional services for a fee or other direct or
26 indirect compensation with respect to the fund or has any
27 authority or responsibility to do so; or

28 (E) is a member of the board of trustees or of the staff of
29 the board of trustees.

30 (3) "Fund" means the Kansas endowment for youth fund and the
31 family and the children endowment account of the family and
32 children investment fund.

33 (4) With respect to the investment of moneys in the Kansas
34 endowment for youth fund, "purposes for which the moneys may be
35 used" means the purposes for which the moneys in the children's

1 initiatives fund may be used, as provided in section 2 and
2 amendments thereto, and "beneficiaries of the fund" means the
3 beneficiaries of the children's initiatives fund, as provided by
4 section 2 and amendments thereto.

5 (5) With respect to the investment of moneys in the family
6 and children endowment account of the family and children
7 investment fund, "purposes for which the moneys may be used"
8 means the purposes for which the moneys in the family and
9 children trust account of the family and children investment fund
10 may be used, as provided in subsection (c) of K.S.A. 1998 Supp.
11 38-1808, and amendments thereto, and "beneficiaries of the fund"
12 means the beneficiaries of the family and children trust account
13 of the family and children investment fund may be used, as
14 provided in subsection (c) of K.S.A. 1998 Supp. 38-1808, and
15 amendments thereto.

16 New Sec. 5. The board of trustees of the Kansas public
17 employees retirement system shall report to the governor and to
18 the legislature on the moneys credited to the Kansas endowment
19 for youth fund and investment earnings thereon at least once each
20 calendar quarter and on a monthly basis upon request of the
21 governor, the president of the senate or the speaker of the house
22 of representatives. In addition, the board of trustees shall
23 submit a report on or before October 1 of each year to the
24 director of the budget, the director of the legislative research
25 department and the chairpersons of the senate committee on ways
26 and means and the house of representatives committee on
27 appropriations detailing the board's estimates as to the amounts
28 of moneys that would be available for transfer from the Kansas
29 endowment for youth fund to the children's initiatives fund
30 during the ensuing fiscal year. The director of the budget and
31 the governor shall use the information in such report in the
32 preparation of the governor's budget report under K.S.A. 75-3721
33 and amendments thereto.

34 Sec. 6. K.S.A. 1998 Supp. 20-367 is hereby amended to read
35 as follows: 20-367. Of the remittance of the balance of docket

1 fees received monthly by the state treasurer from clerks of the
2 district court pursuant to subsection (f) of K.S.A. 20-362, and
3 amendments thereto, the state treasurer shall deposit and credit
4 to the access to justice fund, a sum equal to 6.94% of the
5 remittances of docket fees; to the juvenile detention facilities
6 fund, a sum equal to 4.45% of the remittances of docket fees; to
7 the judicial branch education fund, the state treasurer shall
8 deposit and credit a sum equal to 3.42% of the remittances of
9 docket fees; to the crime victims assistance fund, the state
10 treasurer shall deposit and credit a sum equal to .92% of the
11 remittances of the docket fees; to the protection from abuse
12 fund, the state treasurer shall deposit and credit a sum equal to
13 2.75% of the remittances of the docket fees; to the judiciary
14 technology fund, the state treasurer shall deposit and credit a
15 sum equal to 6.93% of the remittances of docket fees; to the
16 dispute resolution fund, the state treasurer shall deposit and
17 credit a sum equal to .57% of the remittances of docket fees; to
18 the Kansas ~~endowment-for-youth~~ juvenile delinquency prevention
19 trust fund, the state treasurer shall deposit and credit a sum
20 equal to 2.03% of the remittances of docket fees; and to the
21 permanent families account in the family and children investment
22 fund, the state treasurer shall deposit and credit a sum equal to
23 .33% of the remittances of docket fees. The balance remaining of
24 the remittances of docket fees shall be deposited and credited to
25 the state general fund.

26 Sec. 7. K.S.A. 1998 Supp. 38-1808 is hereby amended to read
27 as follows: 38-1808. (a) There is hereby established in the state
28 treasury the family and children investment fund. ~~On--and--after~~
29 ~~July--17--1997--such~~ The family and children investment fund shall
30 be administered as provided in this section.

31 (b) There shall be credited to the family and children
32 investment fund appropriations, gifts, grants, contributions,
33 matching funds and participant payments.

34 (c) (1) There is hereby created the family and children
35 trust account in the family and children investment fund. The

1 secretary of social and rehabilitation services shall administer
2 this the family and children trust account.

3 (2) Moneys credited to the family and children trust account
4 shall be used for the following purposes: (A) Matching federal
5 moneys to purchase services relating to community-based programs
6 for the broad range of child abuse and neglect prevention
7 activities; (B) providing start-up or expansion grants for
8 community-based prevention projects for the broad range of child
9 abuse and neglect prevention activities; (C) studying and
10 evaluating community-based prevention projects for the broad
11 range of child abuse and neglect prevention activities; (D)
12 preparing, publishing, purchasing and disseminating educational
13 material dealing with the broad range of child abuse and neglect
14 prevention activities; and (E) payment of the administrative
15 costs of the family and children trust account and of that
16 portion of the advisory-committee-on-children-and-families Kansas
17 children's cabinet, established pursuant to K.S.A. 1998 Supp.
18 38-1901, and amendments thereto, which are attributable to the
19 family and children trust account, and that portion of the
20 administrative costs of the board of trustees, of the Kansas
21 public employees retirement system established by K.S.A. 74-4905,
22 and amendments thereto, which are attributable to the family and
23 children endowment account of the family and children investment
24 fund. No moneys in the family and children trust account shall
25 be used for the purpose of providing services for the voluntary
26 termination of pregnancy.

27 (3) Expenditures from the family and children trust account
28 shall be subject to the approval of the ~~advisory-committee-on~~
29 ~~children--and--families~~ Kansas children's cabinet established
30 pursuant to K.S.A. 1998 Supp. 38-1901, and amendments thereto.
31 All expenditures from the family and children trust account shall
32 be made in accordance with appropriation acts upon warrants of
33 the director of accounts and reports issued pursuant to vouchers
34 approved by the secretary of social and rehabilitation services
35 or a person designated by the secretary.

5-13

1 (d) (1) There is hereby created the permanent families
2 account in the family and children investment fund. The judicial
3 administrator of the courts shall administer this account.

4 (2) Moneys credited to the permanent families account shall
5 be used for the following purposes: (A) Not more than 12% of the
6 amount credited to the permanent families account during the
7 fiscal year may be used to provide technical assistance to
8 district courts or local groups wanting to establish a local
9 citizen review board or a court-appointed special advocate
10 program, including but not limited to such staff as necessary to
11 provide such assistance, and to provide services necessary for
12 the administration of such board or program, including but not
13 limited to grants administration, accounting, data collection,
14 report writing and training of local citizen review board staff;
15 (B) grants to court-appointed special advocate programs, upon
16 application approved by the administrative judge of the judicial
17 district where the program is located; and (C) grants to district
18 courts, upon application of the administrative judge of the
19 judicial district, for expenses of establishment, operation and
20 evaluation of local citizen review boards in the judicial
21 district, including costs of: (i) Employing local citizen review
22 board coordinators and clerical staff; (ii) telephone,
23 photocopying and office equipment and supplies for which there
24 are shown to be no local funds available; (iii) mileage of staff
25 and board members; and (iv) training staff and board members.

26 (3) In addition to the other duties and powers provided by
27 law, in administering the permanent families account, the
28 judicial administrator shall:

29 (A) Accept and receive grants, loans, gifts or donations
30 from any public or private entity in support of programs
31 administered by the judicial administrator and assist in the
32 development of supplemental funding sources for local and state
33 programs;

34 (B) consider applications for and make such grants from the
35 permanent families account as authorized by law; and

1 (C) receive reports from local citizen review boards
2 established pursuant to K.S.A. 38-1812, and amendments thereto,
3 regarding the status of children under the supervision of the
4 district courts and regarding systemic barriers to permanence for
5 children, assure that appropriate data is maintained regularly
6 and compiled at least once a year by such boards on all cases
7 reviewed and assure that the effectiveness of such boards is
8 evaluated on an ongoing basis, using, where possible, random
9 selection of local citizen review boards and cases for the
10 evaluation and including client outcome data to determine
11 effectiveness.

12 (4) All expenditures from the permanent families account
13 shall be made in accordance with appropriation acts upon warrants
14 of the director of accounts and reports issued pursuant to
15 vouchers approved by the judicial administrator or a person
16 designated by the judicial administrator.

17 (e) The family and children endowment account of the family
18 and children investment fund shall constitute and shall be
19 administered as an endowment for the purposes for which
20 expenditures may be made from the family and children trust
21 account of the family and children investment fund. The family
22 and children endowment account of the family and children
23 investment fund shall be invested by the board of trustees of the
24 Kansas public employees retirement system established by K.S.A.
25 74-4905, and amendments thereto. All interest or other income of
26 the investments of the moneys in the family and children trust
27 account of the family and children investment fund, after payment
28 of any management and administrative fees, shall be considered
29 income of the family and children trust account of the family and
30 children investment fund and shall be deposited in the state
31 treasury to the credit of the family and children trust account
32 of the family and children investment fund.

33 (f) On or before the 10th of each month, the director of
34 accounts and reports shall transfer from the state general fund
35 to the family and children investment fund interest earnings

1 based on:

2 (1) The average daily balance of moneys in the family and
3 children investment fund for the preceding month, excluding all
4 amounts credited to the family and children endowment account of
5 the family and children investment fund; and

6 (2) the net earnings rate of the pooled money investment
7 portfolio for the preceding month.

8 Sec. 8. K.S.A. 1998 Supp. 38-1901 is hereby amended to read
9 as follows: 38-1901. On and after ~~July-17-1997~~ the effective date
10 of this act:

11 (a) The advisory committee on children and families is
12 hereby ~~created~~ redesignated and shall be known and referred to as
13 the Kansas children's cabinet.

14 (b) ~~The advisory-committee-on-children-and--families~~ Kansas
15 children's cabinet shall consist of ~~nine~~ 15 members as follows:

16 (1) The secretary of health and environment, or the secretary's
17 designee; (2) the secretary of social and rehabilitation
18 services, or the secretary's designee; (3) ~~the-secretary-of-human~~
19 ~~resources~~ a member of the state board of regents selected by the
20 state board of regents, or such member's designee; (4) the
21 commissioner of education, or the commissioner's designee; (5)
22 the commissioner of juvenile justice, or the commissioner's
23 designee; (6) a member of the Kansas supreme court selected by
24 the Kansas supreme court, or such member's designee; and (7)
25 three ~~five~~ members of the public who are interested in and
26 knowledgeable about the needs of children and families shall be
27 appointed by the governor, except-that-the-members--appointed--by
28 the--governor--to-the-advisory-committee-on-children-and-families
29 created-by-executive-order-97-1-on-January-9,--1997,--shall--be
30 deemed---members--appointed--by--the--governor--of--the--advisory
31 committee-on-children-and-families-established--by--this--section
32 which, subject to the provisions of subsection (e), may include
33 persons who are children's advocates, members of organizations
34 with experience in programs that benefit children or other
35 individuals who have experience with children's programs and

1 services; (7) one person appointed by the speaker of the house of
2 representatives; (8) one person appointed by the minority leader
3 of the house of representatives; (9) one person appointed by the
4 president of the senate; and (10) one person appointed by the
5 minority leader of the senate. The members designated by clauses
6 (1), (2), (3), (4), (5) and (6) of this subsection shall be
7 nonvoting members of the Kansas children's cabinet. All other
8 members shall be voting members.

9 (c) (1) Except as provided in paragraph (2) of this
10 subsection, the members of the advisory-committee-on-children-and
11 families Kansas children's cabinet appointed by the governor,
12 speaker, president and minority leaders shall serve at--the
13 pleasure--of-the-governor for terms of four years and until their
14 successors are appointed and qualified. The governor shall
15 appoint a chairperson of the committee and from among the members
16 appointed by the governor. The chairperson shall serve in such
17 office throughout such member's current term of office and until
18 a successor is appointed and qualified. The members of the
19 committee Kansas children's cabinet may elect any additional
20 officers from among its members necessary to carry out the duties
21 and functions of the committee Kansas children's cabinet.

22 (2) Of the members first appointed by the governor, two
23 shall be appointed for terms of two years, two shall be appointed
24 for terms of three years and the member selected by the governor
25 to be the chairperson shall be appointed for a term of four
26 years. The member first appointed by the speaker of the house of
27 representatives shall be appointed for a term of one year, the
28 member first appointed by the minority leader of the house of
29 representatives shall be appointed for a term of two years, the
30 member first appointed by the president of the senate shall be
31 appointed for a term of three years and the member first
32 appointed by the minority leader of the senate shall be appointed
33 for a term of four years. The governor shall designate the term
34 for which each of the members first appointed by the governor
35 shall serve.

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1 (3) All members appointed to fill vacancies in the
2 membership of the Kansas children's cabinet and all members
3 appointed to succeed members appointed to membership on the
4 Kansas children's cabinet shall be appointed in like manner as
5 that provided for the original appointment of the member
6 succeeded. All members appointed to fill vacancies of a member
7 of the Kansas children's cabinet appointed by the governor, the
8 speaker of the house of representatives, the minority leader of
9 the house of representatives, the president of the senate or the
10 minority leader of the senate shall be appointed to fill the
11 unexpired term of such member.

12 (d) Not more than three members of the Kansas children's
13 cabinet appointed by the governor under subsection (b)(7) shall
14 be members of the same political party. No member of the Kansas
15 children's cabinet shall be a member of the Kansas legislature.

16 (e) (1) No person shall serve on the Kansas children's
17 cabinet if such person has knowingly acquired a substantial
18 interest in any business. Any such person who knowingly acquires
19 such an interest shall vacate such member's position on the
20 Kansas children's cabinet.

21 (2) For purposes of this subsection, "substantial interest"
22 means any of the following:

23 (A) If an individual or an individual's spouse, either
24 individually or collectively, has owned within the preceding 12
25 months a legal or equitable interest exceeding \$5,000 or 5% of
26 any business, whichever is less, the individual has a substantial
27 interest in that business.

28 (B) If an individual or an individual's spouse, either
29 individually or collectively, has received during the preceding
30 calendar year compensation which is or will be required to be
31 included as taxable income on federal income tax returns of the
32 individual and spouse in an aggregate amount of \$2,000 from any
33 business or combination of businesses, the individual has a
34 substantial interest in that business or combination of
35 businesses.

1 (C) If an individual or an individual's spouse holds the
 2 position of officer, director, associate, partner or proprietor
 3 of any business, the individual has a substantial interest in
 4 that business, irrespective of that amount of compensation
 5 received by the individual or the individual's spouse.

6 (D) If an individual or an individual's spouse receives
 7 compensation which is a portion or percentage of each separate
 8 fee or commission paid to a business or combination of
 9 businesses, the individual has a substantial interest in any
 10 client or customer who pays fees or commissions to the business
 11 or combination of businesses from which fees or commissions the
 12 individual or the individual's spouse, either individually or
 13 collectively, received an aggregate of \$2,000 or more in the
 14 preceding calendar year.

15 (3) As used in this subsection, "client or customer" means a
 16 business or combination of businesses.

17 (4) As used in this subsection, "business" means any entity
 18 which is eligible to receive funds from the children's
 19 initiatives fund, as provided in section 2 and amendments
 20 thereto, from the children's initiatives accountability fund,
 21 established by section 3 and amendments thereto, or from the
 22 family and children trust account of the family and children
 23 investment fund, as provided in K.S.A. 38-1808 and amendments
 24 thereto.

25 ~~(d)~~ (f) The advisory--committee--on--children--and--families
 26 Kansas children's cabinet shall meet upon the call of the
 27 chairperson as necessary to carry out the duties and functions of
 28 the committee Kansas children's cabinet. A quorum of the Kansas
 29 children's cabinet shall be five voting members.

30 ~~(e)~~ (g) The advisory--committee--on--children--and--families
 31 Kansas children's cabinet shall have and perform the following
 32 functions:

33 (1) Assist the governor in developing and implementing a
 34 coordinated, comprehensive service delivery system to serve the
 35 children and families of Kansas;

1 (2) identify barriers to service and gaps in service due to
2 strict definitions of boundaries between departments and
3 agencies;

4 (3) facilitate interagency and interdepartmental cooperation
5 toward the common goal of serving children and families;

6 (4) investigate and identify methodologies for the combining
7 of funds across departmental boundaries to better serve children
8 and families;

9 (5) propose actions needed to achieve coordination of
10 funding and services across departmental lines; and

11 (6) encourage and facilitate joint planning and coordination
12 between the public and private sectors to better serve the needs
13 of children and families; and

14 (7) perform the duties and functions prescribed by section
15 3, and amendments thereto.

16 ~~(f)~~ (h) Members of the ~~advisory-committee-on-children-and~~
17 ~~families~~ Kansas children's cabinet shall not be paid
18 compensation, but shall receive subsistence allowances, mileage
19 and other expenses as provided by K.S.A. 75-3223, and amendments
20 thereto. The subsistence allowances, mileage and other expenses
21 as provided in K.S.A. 75-3223 and amendments thereto shall be
22 paid from available appropriations of the department of social
23 and rehabilitation services except that expenses of members who
24 are employed by a state agency shall be reimbursed by that state
25 agency.

26 (i) On the effective date of this act, the advisory
27 committee on children and families is hereby abolished and all
28 powers, duties, functions, records and other property of the
29 advisory committee on children and families are hereby
30 transferred to the Kansas children's cabinet created by this
31 section. Except as otherwise specifically provided by this act,
32 the Kansas children's cabinet shall be a continuation of the
33 advisory committee on children and families as it existed prior
34 to the effective date of this act.

35 Sec. 9. K.S.A. 75-7021 is hereby amended to read as follows:

1 75-7021. (a) There is hereby created in the state treasury the
2 Kansas ~~endowment-for-youth~~ juvenile delinquency prevention trust
3 fund. Money credited to the Kansas juvenile delinquency
4 prevention trust fund pursuant to K.S.A. 20-367 and amendments
5 thereto or by any other lawful means shall be used solely for the
6 purpose of making grants to further the purpose of juvenile
7 justice reform, including rational prevention programs and
8 programs for treatment and rehabilitation of juveniles and to
9 further the partnership between state and local communities. Such
10 treatment and rehabilitation programs should aim to combine
11 accountability and sanctions with increasingly intensive
12 treatment and rehabilitation services with an aim to provide
13 greater public safety and provide intervention that will be
14 uniform and consistent.

15 (b) All expenditures from the Kansas ~~endowment-for-youth~~
16 juvenile delinquency prevention trust fund shall be made in
17 accordance with appropriations acts upon warrants of the director
18 of accounts and reports issued pursuant to vouchers approved by
19 the commissioner of juvenile justice or by a person or persons
20 designated by the commissioner.

21 (c) The commissioner of juvenile justice may apply for,
22 receive and accept money from any source for the purposes for
23 which money in the Kansas ~~endowment--for--youth~~ juvenile
24 delinquency prevention trust fund may be expended. Upon receipt
25 of any such money, the commissioner shall remit the entire amount
26 at least monthly to the state treasurer, who shall deposit it in
27 the state treasury and credit it to the Kansas ~~endowment--for~~
28 youth juvenile delinquency prevention trust fund.

29 (d) Grants made to programs pursuant to this section shall
30 be based on the number of persons to be served and such other
31 requirements as may be established by the Kansas youth authority
32 in guidelines established and promulgated to regulate grants made
33 under authority of this section. The guidelines may include
34 requirements for grant applications, organizational
35 characteristics, reporting and auditing criteria and such other

1 standards for eligibility and accountability as are deemed
2 advisable by the Kansas youth authority.

3 (e) On or before the 10th of each month, ~~the~~ director of
4 accounts and reports shall transfer from the state general fund
5 to the Kansas ~~endowment-for-youth~~ juvenile delinquency prevention
6 trust fund interest earnings based on:

7 (1) The average daily balance of moneys in the Kansas
8 ~~endowment-for-youth~~ juvenile delinquency prevention trust fund
9 for the preceding month; and

10 (2) the net earnings rate of the pooled money investment
11 portfolio for the preceding month.

12 (f) On and after the effective date of this act, the Kansas
13 endowment for youth trust fund created by this section prior to
14 amendment by this act is hereby redesignated as the Kansas
15 juvenile delinquency prevention trust fund. On and after the
16 effective date of this act, whenever the Kansas endowment for
17 youth trust fund created by this section prior to amendment by
18 this act, or words of like effect, is referred to or designated
19 by a statute, contract or other document such reference or
20 designation shall be deemed to apply to the Kansas juvenile
21 delinquency prevention trust fund.

22 Sec. 10. K.S.A. 75-7021 and K.S.A. 1998 Supp. 20-367,
23 38-1808, 38-1901 and 38-2008 are hereby repealed.

24 Sec. 11. This act shall take effect and be in force from and
25 after its publication in the statute book.

5-20

Attached for your approval are the Ways and Means Committee minutes for March 24, 25, 30, 31 and April 30, 1999.

If they've not been returned to Pam Parker in Legislative Services by Friday, May 7, they'll be considered approved.

Thank you,

Ann Deitcher