

CHAPTER 66
HOUSE BILL No. 2570

AN ACT concerning adoptions; relating to persons authorized to make assessments;
amending K.S.A. 2007 Supp. 59-2132 and repealing the existing section.

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

Section 1. K.S.A. 2007 Supp. 59-2132 is hereby amended to read as follows: 59-2132. (a) Except as provided in subsection (h), in independent and agency adoptions, the court shall require the petitioner to obtain an assessment ~~by a court approved social worker licensed to practice social work in Kansas or by a licensed child-placing agency of the advisability of the adoption.~~ *of the advisability of the adoption by a court approved:*

(1) (A) *Licensed social worker, licensed specialist social worker, licensed specialist clinical social worker, licensed masters social worker, licensed baccalaureate social worker or licensed associate social worker licensed by the behavioral sciences regulatory board;*

(B) *licensed clinical marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;*

(C) *licensed marriage and family therapist as defined in K.S.A. 65-6402, and amendments thereto;*

(D) *licensed clinical professional counselor as defined in K.S.A. 65-5802, and amendments thereto;*

(E) *licensed professional counselor as defined in K.S.A. 65-5802, and amendments thereto;*

(F) *licensed psychologist as defined in K.S.A. 65-6319, and amendments thereto;*

(G) *licensed masters level psychologist as defined in K.S.A. 74-5362, and amendments thereto;*

(H) *licensed clinical psychotherapist as defined in K.S.A. 74-5363, and amendments thereto; or*

(I) *a licensed child-placing agency.*

(2) *Any person performing an assessment pursuant to this subsection shall:*

(A) *Possess a minimum of two years experience in adoption services or be supervised by a person with such experience; or*

(B) *if licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders in independent practice, possess a minimum of one year of experience in adoption services or be supervised by a person with such experience.*

(b) The petitioner shall file with the court, not less than 10 days before the hearing on the petition, a report of the assessment and, if necessary, confirmation or clarification of the information filed under K.S.A. 59-2130, and amendments thereto.

(c) ~~If there is no licensed social worker or licensed child-placing agency~~ *one authorized pursuant to this section available to make the assessment and report to the court, the court may use the department of social and rehabilitation services for that purpose.*

(d) The costs of making the assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated and amendments thereto.

(e) In making the assessment, ~~the social worker, child-placing agency~~ *person authorized pursuant to this section* or department of social and rehabilitation services is authorized to observe the child in the petitioner's home, verify financial information of the petitioner, shall clear the name of the petitioner with the child abuse and neglect registry through the department of social and rehabilitation services and, when appropriate, with a similar registry in another state or nation, shall determine whether the petitioner has been convicted of a felony for any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or, within the last five years been convicted of a felony violation of the uniform controlled substances act, K.S.A. 65-4101 et seq. and amendments thereto and, when appropriate, any similar conviction in another jurisdiction, and to contact the agency or individuals consenting to the adoption and confirm and, if necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by ~~the social worker, child-placing agency or department of social and rehabili-~~

~~tation services any person authorized pursuant to this section to perform this assessment~~ shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by ~~a licensed social worker, a licensed child placing agency or a comparable entity in that state and filed with the court not less than 10 days before the hearing on the petition.~~ *a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.*

(g) The assessment and report required by this section ~~must~~ *shall* comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon: (1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court's own motion.

Sec. 2. K.S.A. 2007 Supp. 59-2132 is hereby repealed.

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

Approved April 9, 2008.
