

## HOUSE BILL No. 2075

By Committee on Child Welfare and Foster Care

Requested by Laura Howard, Secretary for Children and Families

1-23

1 AN ACT concerning minors; relating to the revised Kansas code for care  
2 of children; requiring that a permanency hearing for a child in custody  
3 of the secretary be held within nine months of such child's removal  
4 from such child's home; amending K.S.A. 2024 Supp. 38-2264 and  
5 repealing the existing section.  
6

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

8 Section 1. K.S.A. 2024 Supp. 38-2264 is hereby amended to read as  
9 follows: 38-2264. (a) A permanency hearing is a proceeding conducted by  
10 the court or by a citizen review board for the purpose of determining  
11 progress toward accomplishment of a permanency plan as established by  
12 K.S.A. 38-2263, and amendments thereto.

13 (b) The court or a citizen review board shall hear and the court shall  
14 determine whether and, if applicable, when the child will be:

- 15 (1) Reintegrated with the child's parents;
- 16 (2) placed for adoption;
- 17 (3) placed with a permanent custodian;
- 18 (4) if the child is 16 years of age or older, placed with a SOUL family  
19 legal permanency custodian; or
- 20 (5) if the child is 16 years of age or older and the secretary has  
21 documented compelling reasons why it would not be in the child's best  
22 interests for a placement in one of the placements pursuant to paragraphs  
23 (1) through (4), placed in another planned permanent living arrangement.

24 (c) At each permanency hearing, the court shall:

- 25 (1) Enter a finding as to whether reasonable efforts have been made  
26 by appropriate public or private agencies to rehabilitate the family and  
27 achieve the permanency goal in place at the time of the hearing;
- 28 (2) enter a finding as to whether the reasonable and prudent parenting  
29 standard has been met and whether the child has regular, ongoing  
30 opportunities to engage in age or developmentally appropriate activities.  
31 The secretary shall report to the court the steps the secretary is taking to  
32 ensure that the child's foster family home or child care institution is  
33 following the reasonable and prudent parenting standard and that the child  
34 has regular, ongoing opportunities to engage in age or developmentally  
35 appropriate activities, including consultation with the child in an age-

1 appropriate manner about the opportunities of the child to participate in the  
2 activities; and

3 (3) if the child is 14 years of age or older, document the efforts made  
4 by the secretary to help the child prepare for the transition from custody to  
5 a successful adulthood. The secretary shall report to the court the programs  
6 and services that are being provided to the child that will help the child  
7 prepare for the transition from custody to a successful adulthood.

8 (d) The requirements of this subsection shall apply only if the  
9 permanency goal in place at the time of the hearing is another planned  
10 permanent living arrangement as described in subsection (b)(5). At each  
11 permanency hearing held with respect to the child, in addition to the  
12 requirements of subsection (c), the court shall:

13 (1) Ask the child, if the child is able, by attendance at the hearing or  
14 by report to the court, about the desired permanency outcome for the child;

15 (2) document the intensive, ongoing and, as of the date of the hearing,  
16 unsuccessful permanency efforts made by the secretary to return the child  
17 home or secure a placement for the child with a fit and willing relative, a  
18 legal custodian or guardian or an adoptive parent. The secretary shall  
19 report to the court the intensive, ongoing and, as of the date of the hearing,  
20 unsuccessful efforts made by the secretary to return the child home or  
21 secure a placement for the child with a fit and willing relative, a legal  
22 custodian or guardian or an adoptive parent, including efforts that utilize  
23 search technology, including social media, to find biological family  
24 members of the children; and

25 (3) make a judicial determination explaining why, as of the date of  
26 the hearing, another planned permanent living arrangement is the best  
27 permanency plan for the child and provide compelling reasons why it  
28 continues to not be in the best interests of the child to return home, be  
29 placed for adoption, be placed with a legal custodian or guardian or be  
30 placed with a fit and willing relative.

31 (e) The requirements of this subsection shall apply only if the child is  
32 placed in a qualified residential treatment program at the time of the  
33 permanency hearing. At each permanency hearing held with respect to the  
34 child, in addition to the requirements of subsection (c), the court shall  
35 document:

36 (1) That the ongoing assessment of the strengths and needs of the  
37 child continues to support the determination that the needs of the child  
38 cannot be met through placement in a foster family home, that the  
39 placement in a qualified residential treatment program provides the most  
40 effective and appropriate level of care for the child in the least restrictive  
41 environment, and that the placement is consistent with the short-term and  
42 long-term goals for the child, as specified in the permanency plan for the  
43 child;

1 (2) the specific treatment or service needs that will be met for the  
2 child in the placement and the length of time the child is expected to need  
3 the treatment or services; and

4 (3) the efforts made by the secretary to prepare the child to return  
5 home or to be placed with a fit and willing relative, a legal custodian or  
6 guardian, or an adoptive parent, or in a foster family home.

7 (f) A permanency hearing shall be held within ~~12~~ *nine* months of the  
8 date the court authorized the child's removal from the home and not less  
9 frequently than every ~~12~~ *nine* months thereafter. If the court makes a  
10 finding that the requirements of subsection (c)(1) or (2) have not been met,  
11 a subsequent permanency hearing shall be held ~~no~~ *not* later than 60 days  
12 following the finding.

13 (g) If the court determines at any time other than during a  
14 permanency hearing that reintegration may not be a viable alternative for  
15 the child, a permanency hearing shall be held not later than 30 days  
16 following that determination.

17 (h) When the court finds that reintegration continues to be a viable  
18 alternative, the court shall determine whether and, if applicable, when the  
19 child will be returned to the parent. The court may rescind any of its prior  
20 dispositional orders and enter any dispositional order authorized by this  
21 code or may order that a new plan for the reintegration be prepared and  
22 submitted to the court. If reintegration cannot be accomplished as  
23 approved by the court, the court shall be informed and shall schedule a  
24 hearing pursuant to this section. No such hearing is required when the  
25 parents voluntarily relinquish parental rights or consent to appointment of  
26 a permanent custodian or a SOUL family legal permanency custodian.

27 (i) If the court finds reintegration is no longer a viable alternative, the  
28 court shall consider whether: (1) The child is in a stable placement with a  
29 relative; (2) services set out in the case plan necessary for the safe return  
30 of the child have been made available to the parent with whom  
31 reintegration is planned; or (3) compelling reasons are documented in the  
32 case plan to support a finding that neither adoption nor appointment of a  
33 permanent custodian are in the child's best interest. If reintegration is not a  
34 viable alternative and either adoption or appointment of a permanent  
35 custodian might be in the best interests of the child, the county or district  
36 attorney or the county or district attorney's designee shall file a motion to  
37 terminate parental rights or a motion to appoint a permanent custodian  
38 within 30 days and the court shall set a hearing on such motion within 90  
39 days of the filing of such motion.

40 (j) If the court enters an order terminating parental rights to a child, or  
41 an agency has accepted a relinquishment pursuant to K.S.A. 59-2124, and  
42 amendments thereto, the requirements for permanency hearings shall  
43 continue until an adoption or appointment of a permanent custodian or a

1 SOUL family legal permanency custodian has been accomplished and  
2 court jurisdiction has been terminated. If the court determines that  
3 reasonable efforts or progress have not been made toward finding an  
4 adoptive placement or appointment of a permanent custodian or a SOUL  
5 family legal permanency custodian or placement with a fit and willing  
6 relative, the court may rescind its prior orders and make others regarding  
7 custody and adoption that are appropriate under the circumstances.  
8 Reports of a proposed adoptive placement need not contain the identity of  
9 the proposed adoptive parents.

10 (k) If permanency with one parent has been achieved without the  
11 termination of the other parent's rights, the court may, prior to dismissing  
12 the case, enter child custody orders, including residency and parenting  
13 time that the court determines to be in the best interests of the child. The  
14 court shall complete a parenting plan pursuant to K.S.A. 23-3213, and  
15 amendments thereto.

16 (1) Before entering a custody order under this subsection, the court  
17 shall inquire whether a custody order has been entered or is pending in a  
18 civil custody case by a court of competent jurisdiction within the state of  
19 Kansas.

20 (2) If a civil custody case has been filed or is pending, a certified  
21 copy of the custody, residency and parenting time orders shall be filed in  
22 the civil custody case. The court in the civil custody case may, after  
23 consultation with the court in the child in need of care case, enter an order  
24 declaring that the custody order in the child in need of care case shall  
25 become the custody order in the civil custody case.

26 (3) A district court, on its own motion or upon the motion of any  
27 party, may order the consolidation of the child in need of care case with  
28 any open civil custody case involving the child and both of the child's  
29 parents. Custody, residency and parenting time orders entered in  
30 consolidated child in need of care and civil custody cases take precedence  
31 over any previous orders affecting both parents and the child that were  
32 entered in the civil custody case regarding the same or related issues.  
33 Following entry of a custody order in a consolidated case, the court shall  
34 dismiss the child in need of care case and, if necessary, return the civil  
35 custody case to the original court having jurisdiction over the case.

36 (4) If no civil custody case has been filed, the court may direct the  
37 parties to file a civil custody case and to file the custody orders from the  
38 child in need of care case in that case. Costs of the civil custody case may  
39 be assessed to the parties.

40 (5) Nothing in this subsection shall operate to expand access to  
41 information that is confidential under K.S.A. 38-2209, and amendments  
42 thereto, and the confidentiality of such information shall be preserved in  
43 all filings in a civil custody case.

1       (1) When permanency has been achieved to the satisfaction of the  
2 court, the court shall enter an order closing the case.

3       Sec. 2. K.S.A. 2024 Supp. 38-2264 is hereby repealed.

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