

As Amended by House Committee

Session of 2025

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 **and subsequent hearings be held every six**
5 **months thereafter**; amending K.S.A. 2024 Supp. 38-2264 and
6 repealing the existing section.

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

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

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

- 16 (1) Reintegrated with the child's parents;
17 (2) placed for adoption;
18 (3) placed with a permanent custodian;
19 (4) if the child is 16 years of age or older, placed with a SOUL family
20 legal permanency custodian; or

21 (5) if the child is 16 years of age or older and the secretary has
22 documented compelling reasons why it would not be in the child's best
23 interests for a placement in one of the placements pursuant to paragraphs
24 (1) through (4), placed in another planned permanent living arrangement.

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

26 (1) Enter a finding as to whether reasonable efforts have been made
27 by appropriate public or private agencies to rehabilitate the family and
28 achieve the permanency goal in place at the time of the hearing;

29 (2) enter a finding as to whether the reasonable and prudent parenting
30 standard has been met and whether the child has regular, ongoing
31 opportunities to engage in age or developmentally appropriate activities.
32 The secretary shall report to the court the steps the secretary is taking to
33 ensure that the child's foster family home or child care institution is
34 following the reasonable and prudent parenting standard and that the child
35 has regular, ongoing opportunities to engage in age or developmentally

1 appropriate activities, including consultation with the child in an age-
2 appropriate manner about the opportunities of the child to participate in the
3 activities; and

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

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

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

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

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

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

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

1 child;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 all filings in a civil custody case.

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

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

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