

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

1 following the reasonable and prudent parenting standard and that the child
2 has regular, ongoing opportunities to engage in age or developmentally
3 appropriate activities, including consultation with the child in an age-
4 appropriate manner about the opportunities of the child to participate in the
5 activities; and

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

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

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

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

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

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

40 (1) That the ongoing assessment of the strengths and needs of the
41 child continues to support the determination that the needs of the child
42 cannot be met through placement in a foster family home, that the
43 placement in a qualified residential treatment program provides the most

1 effective and appropriate level of care for the child in the least restrictive
2 environment, and that the placement is consistent with the short-term and
3 long-term goals for the child, as specified in the permanency plan for the
4 child;

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

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

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

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

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

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

1 (j) If the court enters an order terminating parental rights to a child, or
2 an agency has accepted a relinquishment pursuant to K.S.A. 59-2124, and
3 amendments thereto, the requirements for permanency hearings shall
4 continue until an adoption or appointment of a permanent custodian or a
5 SOUL family legal permanency custodian has been accomplished and
6 court jurisdiction has been terminated. If the court determines that
7 reasonable efforts or progress have not been made toward finding an
8 adoptive placement or appointment of a permanent custodian or a SOUL
9 family legal permanency custodian or placement with a fit and willing
10 relative, the court may rescind its prior orders and make others regarding
11 custody and adoption that are appropriate under the circumstances.
12 Reports of a proposed adoptive placement need not contain the identity of
13 the proposed adoptive parents.

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

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

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

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

40 (4) If no civil custody case has been filed, the court may direct the
41 parties to file a civil custody case and to file the custody orders from the
42 child in need of care case in ~~that~~ **such civil** case. Costs of the civil custody
43 case may be assessed to the parties.

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

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

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

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