

*{As Amended by Senate Committee of the Whole}*

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*As Amended by Senate Committee*

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**As Amended by House Committee**

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*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

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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 *for reintegrate }*  
28 the family and achieve the permanency goal in place at the time of the  
29 hearing;

30 (2) enter a finding as to whether the reasonable and prudent parenting  
31 standard has been met and whether the child has regular, ongoing

1 opportunities to engage in age or developmentally appropriate activities.  
2 The secretary shall report to the court the steps the secretary is taking to  
3 ensure that the child's foster family home or child care institution is  
4 following the reasonable and prudent parenting standard and that the child  
5 has regular, ongoing opportunities to engage in age or developmentally  
6 appropriate activities, including consultation with the child in an age-  
7 appropriate manner about the opportunities of the child to participate in the  
8 activities; and

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

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

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

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

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

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

43 (1) That the ongoing assessment of the strengths and needs of the

1 child continues to support the determination that the needs of the child  
2 cannot be met through placement in a foster family home, that the  
3 placement in a qualified residential treatment program provides the most  
4 effective and appropriate level of care for the child in the least restrictive  
5 environment, and that the placement is consistent with the short-term and  
6 long-term goals for the child, as specified in the permanency plan for the  
7 child;

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

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

14 (f) A permanency hearing shall be held within ~~12~~ *nine* months of the  
15 date the court authorized the child's removal from the home and not less  
16 frequently than every ~~12~~ *nine* ~~nine~~ *six* months thereafter. *{A permanency*  
17 *hearing shall not be held until the child's biological parent or other*  
18 *interested parties have provided confirmation to the court that the*  
19 *secretary has made reasonable efforts for reintegration.}* If the court  
20 makes a finding that the requirements of subsection (c)(1) or (2) have not  
21 been met, a subsequent permanency hearing shall be held ~~no~~ not later than  
22 60 days following the finding.

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

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

37 (i) If the court finds reintegration is no longer a viable alternative, the  
38 court shall consider whether: (1) The child is in a stable placement with a  
39 relative; (2) services set out in the case plan necessary for the safe return  
40 of the child have been made available to the parent with whom  
41 reintegration is planned; or (3) compelling reasons are documented in the  
42 case plan to support a finding that neither adoption nor appointment of a  
43 permanent custodian are in the child's best ~~interest~~ *interests*. If

1 reintegration is not a viable alternative and either adoption or appointment  
2 of a permanent custodian might be in the best interests of the child, the  
3 county or district attorney or the county or district attorney's designee shall  
4 file a motion to terminate parental rights or a motion to appoint a  
5 permanent custodian within 30 days and the court shall set a hearing on  
6 such motion within 90 days of the filing of such motion.

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

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

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

30 (2) If a civil custody case has been filed or is pending, a certified  
31 copy of the custody, residency and parenting time orders shall be filed in  
32 the civil custody case. The court in the civil custody case may, after  
33 consultation with the court in the child in need of care case, enter an order  
34 declaring that the custody order in the child in need of care case shall  
35 become the custody order in the civil custody case.

36 (3) A district court, on its own motion or upon the motion of any  
37 party, may order the consolidation of the child in need of care case with  
38 any open civil custody case involving the child and both of the child's  
39 parents. Custody, residency and parenting time orders entered in  
40 consolidated child in need of care and civil custody cases take precedence  
41 over any previous orders affecting both parents and the child that were  
42 entered in the civil custody case regarding the same or related issues.  
43 Following entry of a custody order in a consolidated case, the court shall

1 dismiss the child in need of care case and, if necessary, return the civil  
2 custody case to the original court having jurisdiction over the case.

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

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

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

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

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