

HOUSE BILL No. 2075

AN ACT concerning minors; relating to the revised Kansas code for care of children; determining when a law enforcement officer may or shall take a child into custody; requiring the secretary for children and families to provide means for a law enforcement officer to refer potential cases of abuse or neglect and that the secretary provide a response to such referrals within 24 hours; requiring the court to review parent and interested party involvement in permanency planning; requiring that a permanency hearing for a child in custody of the secretary be held within nine months of such child's removal from such child's home and subsequent hearings be held every six months thereafter; amending K.S.A. 2024 Supp. 38-2231 and 38-2264 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found; or

~~(2) has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system;~~

~~(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; or~~

~~(4) reasonably believes the child is experiencing a behavioral health crisis and is likely to cause harm to self or others.~~

(c) A law enforcement officer shall explore other options to separate the child from the source of harm before removal of such child as provided in subsection (b).

(d) The secretary shall provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the secretary. The secretary shall receive such referrals and, within 24 hours, initiate an investigation of abuse or neglect and contact the persons who are the subject of such investigation. Then, within 24 hours of such contact, the secretary shall respond to the referring law enforcement agency with the status of the investigation.

(e) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system; or

(2) reasonably believes that the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

(f) (1) If a person provides shelter to a child whom the person knows is a runaway, such person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian.

(2) If a person reports a runaway's location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection ~~(b)~~ (e), in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's

location and circumstances.

~~(d)~~(g) Except as provided in subsections (a) ~~and~~, (b) *and* (e), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 38-2232(g), and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 38-2264 is hereby amended to read as follows: 38-2264. (a) A permanency hearing is a proceeding conducted by the court or by a citizen review board for the purpose of determining progress toward accomplishment of a permanency plan as established by K.S.A. 38-2263, and amendments thereto.

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

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

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

(1) *Review with all present parties, including parents and interested parties, the current permanency goal and, on the record, inquire of each party whether each party: (A) Participated in the most recent permanency plan; (B) received a copy of such plan; and (C) has made reasonable efforts to achieve the permanency goal in place at the time of the hearing. If a party did not participate in such plan, the court shall inquire the reasoning for nonparticipation. If a party did not receive a copy of the most recent permanency plan, the court shall order the secretary to provide such party with such copy within two business days of entering such order.*

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

~~(2)~~(3) enter a finding as to whether the reasonable and prudent parenting standard has been met and whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities. The secretary shall report to the court the steps the secretary is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parenting standard and that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consultation with the child in an age-appropriate manner about the opportunities of the child to participate in the activities; and

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

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

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

(2) document the intensive, ongoing and, as of the date of the

hearing, unsuccessful permanency efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal custodian or guardian or an adoptive parent. The secretary shall report to the court the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal custodian or guardian or an adoptive parent, including efforts that utilize search technology, including social media, to find biological family members of the ~~children~~ child; and

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

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

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

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

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

(f) A permanency hearing shall be held within ~~12~~ *nine* months of the date the court authorized the child's removal from the home and not less frequently than every ~~12~~ *six* months thereafter. If the court makes a finding that the requirements of subsection (c)(1) ~~or~~, (2) *or* (3) have not been met, a subsequent permanency hearing shall be held ~~no~~ *not* later than 60 days following the finding.

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

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

(i) If the court finds reintegration is no longer a viable alternative, the court shall consider whether: (1) The child is in a stable placement with a relative; (2) services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned; or (3) compelling reasons are documented in the case plan to support a finding that neither adoption nor appointment of a permanent custodian are in the child's ~~best-interest~~ *best interests*. If reintegration is not a viable alternative and either adoption

or appointment of a permanent custodian might be in the best interests of the child, the county or district attorney or the county or district attorney's designee shall file a motion to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall set a hearing on such motion within 90 days of the filing of such motion.

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

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

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

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

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

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

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

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

Sec. 3. K.S.A. 2024 Supp. 38-2231 and 38-2264 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.