

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2734

As Amended by House Committee on Child
Welfare and Foster Care

Brief*

HB 2734, as amended, would create and amend law in the Revised Kansas Code for Care of Children (CINC Code) to require expedited procedures for children under two years of age at the time a child in need of care (CINC) petition is filed and to require permanency be achieved within twelve months of an out-of-home placement for such child.

Expedited Procedures and Reporting (New Section 1)

The bill would require the Secretary for Children and Families (Secretary) to implement expedited procedures for permanency for a child under two years of age at the time a petition is filed requesting such child be adjudicated as a CINC. The bill would require this be done in consultation with the Judicial Branch and each regional office of the Kansas Department for Children and Families (DCF).

The bill would require that the Secretary, in consultation with the Judicial Branch, submit a written report to the Legislature on or before the first day of the 2028 Session. The bill would require the report to include an evaluation of effectiveness of expedited procedures and whether out-of-home placement costs have been avoided as a result of the bill's implementation.

The bill would apply to any CINC petitions filed after July 1, 2027.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Permanency (New Section 2)

The bill would require that when a child is under two years of age at the time a petition is filed for CINC adjudication, such child must be placed in a permanent placement within twelve months after the original out-of-home placement. The bill would allow for a different time frame if the court determines that such permanent placement is not in the child's best interests.

The bill would require courts to determine whether delay in permanency is in the best interests of the child using clear and convincing evidence showing that reasonable efforts were made to find an appropriate permanent placement.

The bill would require the Secretary and the child's guardian *ad litem* to provide the court with a report specifying which services are being provided to the child to remedy and concerns regarding the child's mental or physical needs.

The bill would require hearings at least every six months until such child has been placed in a permanent placement, per the CINC Code.

The bill would also define "permanent placement" as the child's reintegration with parents, placement with a relative or kinship caregiver, placement with a potential adoptive parent, appointment of a permanent custodian, or any other living arrangement deemed appropriate by the court.

Amendments to CINC Code (Sections 3–7)

The bill would make several amendments to the CINC Code to carry out the provisions of the new sections of law. The bill would also make technical changes.

Judicial Delay (Section 3)

The bill would require that if a child is under two years of age, there is a presumption that a transfer without good cause that results in a delay is detrimental to such child's best interests. The bill would allow for such presumption to be rebutted by a preponderance of the evidence.

CINC Adjudication (Section 4)

The bill would require that when the court is adjudicating whether a child is in the need of care, if the child is under two years of age, the court must hold a dispositional hearing concurrently or set a dispositional hearing within 30 days after adjudication.

Court Continuances (Section 5)

The bill would require that, for any continuances for a child under two years of age, good cause would have to be shown by clear and convincing evidence.

Dispositional Hearings (Section 6)

The bill would require that any dispositional hearing include a permanency plan for a child under two years of age. The bill would also require that a continuance should not be granted for dispositional hearings, unless good cause is shown and the court finds that the best interests of the child will be served in the decision. The bill would require that, if a continuance is granted, the court must set forth specific reasons for the continuation and schedule the hearing within 30 days after granting the continuance. The bill would also require that, if appropriate, any hearing would include all other children who resided in the same household at the time of filing the CINC petition.

Permanency Hearings (Section 7)

The bill would require that, when a child is under two years of age, a permanency hearing must be held within three months of the date the court authorized removal from the home. The bill would also require that the court request the parties to show good cause regarding termination of parental rights at each permanency hearing. Good cause would include, but would not be not limited to, that the parent has maintained regular parenting or visitation with the child and the child would benefit from continuing this or the parent does not qualify as unfit under continuing law.

Background

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of Representative Humphries.

House Committee on Child Welfare and Foster Care

In the House Committee hearing, **proponent** testimony was provided by Representative Humphries and representatives of Children's Alliance of Kansas, Office of the Child Advocate, and Office of the District Attorney for Shawnee County. The proponents stated that the bill would allow for an expedited timeline for children under the age of two while maintaining important judicial oversight.

Written-only proponent testimony was provided by a representative of the State Child Death Review Board.

Neutral testimony was provided by a representative of DCF. The conferee explained the agency's current permanency hearing practices, how they align with federal statutes, and recommended amendments.

No other testimony was provided.

The House Committee amended the bill to:

- Remove requirement of the Secretary to provide a final report to the Legislature;
- Replace references to “permanent home” with “permanent placement”;
- Replace the term “reunification” with “reintegration”;
- Replace the term “guardian” with “custodian”;
- Modify language concerning all children in a household of a child of a petition being included in such petition; and
- Require all parties to the proceeding to show good cause for not terminating parental rights.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates that enactment of the bill would have a fiscal effect on expenditures of the Judicial Branch. The bill’s provisions would require the court to hold additional hearings and make findings in these cases. The court would also have to adhere to the deadlines specified in the bill. While it is difficult to determine how much additional judge and staff time the bill would require, these new requirements would increase the workload of district court staff. However, until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate on expenditures by the Judicial Branch cannot be given. Enactment of the bill would not have a fiscal effect on revenues to the Judicial Branch or SGF.

DCF indicates that enactment of the bill would have no fiscal effect on the agency. Any fiscal effect associated with

the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Children and minors; Revised Kansas Code for Care of Children; permanency