

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 262**

As Agreed to March 27, 2012

Brief*

SB 262 would require substantial consideration of a grandparent who requests custody when a court evaluates what custody, visitation, or residency arrangements are in the best interest of a child who has been removed from custody of a parent and not placed with the child's other parent. The court would have to consider the wishes of the parents, child, and grandparent, the extent that the grandparent has cared for the child, the intent and circumstances under which the child is placed with the grandparent, and the physical and mental health of all involved individuals. The court would be required to state this evaluation on the record.

If the court does not give custody to a grandparent but places the child in the custody of the Secretary of Social and Rehabilitation Services for placement, then a grandparent who requests placement shall receive substantial consideration in the evaluation for placement, using the factors listed in the bill. If the grandparent is not selected for placement, the Secretary shall prepare and maintain a written report with specific reasons for the finding.

These provisions would not apply to actions filed under the Kansas Adoption and Relinquishment Act.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee agreed to the amendments made by the House Committee, but changed "preference" to "substantial consideration," added a requirement that the court state its evaluation on the record, and changed the Secretary's report requirements from providing reasons for the "placement" to providing reasons for the "finding."

Background

Before the Senate Committee on Federal and State Affairs, Senator Faust-Goudeau testified in support of the bill. Other proponents included representatives of the Kansas Silver Haired Legislature, Kansas Family Rights Coalition, United Methodist Youthville Child Welfare Services, and the Kansas Children's Service League. Written testimony in support of the bill was submitted by representatives of the American Association of Retired Persons and of Children and Family Services, Department of Social and Rehabilitation Services.

The Senate Committee amended the bill by inserting the word "consideration" in the place of "preference." In addition, the Committee amended the bill so that its provisions would not apply to actions filed under the Kansas Adoption and Relinquishment Act.

The Senate Committee of the Whole amended the bill by replacing "may" with "shall," so the grandparent "shall" receive consideration instead of "may" receive consideration by the court.

In the House Committee on Judiciary, Senator Faust-Goudeau and representatives of the Kansas Silver Haired Legislature, Kansas Children's Service League, and United Methodist Youthville Child Welfare Services testified in support of the bill, as did a private citizen. A Kansas attorney testified in opposition.

The House Committee amended the bill to return "consideration" to "preference," apply the preference to a grandparent "who requests custody" of a child "not placed with the child's other parent," and add requirements related to placement by the Secretary of Social and Rehabilitation Services. The Committee recommended the bill be passed as amended.

According to the fiscal note, the enactment of SB 262 would not have a fiscal impact. No fiscal note was available for the bill as amended.

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Kansas Code for Care of Children; grandparent custody; Social and Rehabilitation Services; grandparent placement.